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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10589/2024 & CM APPL.43565-66/2024**

COMPTROLLER AND AUDITOR GENERAL OF INDIA & ORS.

.....Petitioners

Through: Dr. S.S. Hooda, Advocate

versus

NAVEEN KUMAR & ORS.

....Respondents

Through: Ms. Aanchal Anand, Advocate

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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13.08.2024

1. The present petition has been filed by the petitioners under Articles 226 and 227 of the Constitution of India seeking issuance of a Writ, Order, or Direction in the nature of certiorari thereby quashing the order dated 29.05.2024 passed by the Central Administrative Tribunal (the Tribunal), Principal Bench, New Delhi in OA No.2295/2024 or staying the effect and operation thereof till the time Petitioners' MA No.2484 of 2024 is decided.
2. On 01.08.2024, learned counsel for petitioners submitted that the promotion order shall be issued to the respondents herein on or before 09.08.2024.
3. Today, learned counsel for petitioners has produced copy of order dated 07.08.2024 which is in partial modification of office order dated 02.05.2024 to the effect that the promotions of the respondents herein shall



take effect with immediate effect at the place of their present posting, i.e. Nagpur, Maharashtra.

4. It is pertinent to mention here that vide order dated 29.05.2024, the learned Tribunal had stayed the operation of order dated 02.05.2024 passed by the petitioners, whereunder in respect of 74 persons, who were extended promotion, it was mentioned that the order would be effective 'with immediate effect or from the date of their taking charge', clearly mentioning that it would be effective immediately as their place of posting remains the same, while for the respondents they have to be given promotion from the place of joining. The learned Tribunal held that to the said extent the respondents had been discriminated and put to a disadvantage. If the respondents were not extended any protection, they would suffer irreparable loss, in terms of delayed promotion. Accordingly, the order dated 02.05.2024 *qua* transfer of the respondents was stayed.

5. At this stage, learned counsel for petitioners submits that the transfer order was passed in the administrative exigency, therefore, the learned Tribunal should not have stayed the order dated 02.05.2024 *qua* respondents and thus, this order deserves to be set aside.

6. It is not in dispute that OA No.2295/2024 filed by the respondents is against Transfer Order dated 02.05.2024, which is pending adjudication and is listed for 09.09.2024 before the learned Tribunal.

7. Having regard to the fact, that in partial modification of its office order dated 02.05.2024, petitioners have issued the order dated 07.08.2024, to the effect that the promotions of the respondents herein shall take w.e.f. 02.05.2024 at the place of their present posting, i.e. Nagpur, Maharashtra and also the fact that OA No.2295/2024 is still pending consideration before



the learned Tribunal, no further order is required to be passed by this Court.

8. In light of the above, the present writ petition is disposed of with the liberty to the parties, to approach the appropriate forum as per law, if any grievance still persists. Pending applications also stand disposed of as infructuous.

9. We expect learned Tribunal to decide the pending OA expeditiously.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

AUGUST 13, 2024

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