



2025:DHC:4122-DB



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

+ **W.P.(C) 6491/2025, CM APPLs. 29580/2025 & 29581/2025**

RAVINDER KUMAR LUTHRAPetitioner

Through: Mr. R.K. Saini and Ms. S. Mahajan, Advs.

versus

**ELECTION COMMISSION OF INDIA &
ANR.**

.....Respondents

Through: Mr. Sidhant Kumar, SC with
Mr. Vishal Chanda and Mr. Om Batra,
Advs. for ECI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **19.05.2025**

C. HARI SHANKAR, J.

1. The petitioner is aggrieved by an order dated 8 May 2025, passed by the Central Administrative Tribunal¹ in MA 1616/2025 in OA 512/2025².

2. OA 512/2025, as instituted by the petitioner before the Tribunal, challenged the decision of the respondent Election Commission of India³ to post the petitioner to the office of the Chief Electoral Officer, Bihar.

¹ "the Tribunal", hereinafter

² **Ravinder Kumar Luthra v Election Commission of India and Anr.**

³ "ECI", hereinafter



3. Mr. Saini, learned Counsel for the petitioner submits that the principal ground of challenge as advanced by the petitioner before the Tribunal, is that the order of posting was beyond the jurisdiction of the respondents.

4. Initially, by order dated 14 February 2025, the Tribunal stayed the operation of the order dated 18 December 2024. The respondents, thereafter, moved MA 1616/2025, seeking vacation of the stay order. By order dated 8 May 2025, under challenge herein, the Tribunal has vacated the order of stay dated 14 February 2025.

5. One of the contentions advanced by Mr. Saini before us is that the transfer was in the teeth of an Office Memorandum dated 8 October 2018 issued by the Department of Personnel and Training⁴, which exempts employees whose dependants are suffering from certain categories of ailments which fall under the Rights of Persons with Disabilities Act, 2016, and of whom the concerned employees the primary care giver, from routine transfer/rotational transfer, except subject to administrative constraints.

6. The petitioner had specifically addressed a representation to the respondents on 30 January 2025, seeking the benefit of the aforesaid OM dated 8 October 2018. The representation was rejected by the respondents on 3 February 2025. We find that, in the OA, a specific and detailed ground assailing this rejection has been taken by the petitioner.



7. Though Mr. Sidhant Kumar, learned Standing Counsel for the ECI submits that this point was not argued before the Bench on 8 May 2025, we are of the opinion that, given the peculiar facts of this case, it would be in the interests of justice if the Tribunal is requested to consider the aforesaid plea, of the petitioner, regarding the petitioner's entitlement to the benefit of the DOPT OM dated 8 October 2018.

8. We, accordingly, dispose of this writ petition with a request to the Tribunal to take up the matter on 27 May 2025 on which date the Tribunal would consider the arguments of the petitioner predicated on the aforesaid DOP&T OM dated 8 October 2018 and decide on the same day, or failing which, as expeditiously as possible.

9. We make it clear that the petitioner shall not be entitled to re-argue any aspect which is covered by the order dated 8 May 2025, under challenge in the present writ petition. The arguments would be restricted to the entitlement of the petitioner to stay based on the DOP&T OM dated 8 October 2018.

10. We also do not express any opinion on the entitlement or otherwise of the petitioner to the benefit of the said OM on merits. The matter is entirely within the discretion of the Tribunal, which would take a view thereon in accordance with law.

11. Needless to say, the decision, as and when taken would be immediately communicated to learned Counsel for the parties.

⁴ "DOPT", hereinafter



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12. We also reserve the right with the petitioner, should the petitioner continue to remain aggrieved, to seek remedies in accordance with law.

13. Both sides have agreed not to take any adjournment on 27 May 2025.

14. The writ petition is disposed of in the aforesaid terms with no order as to costs.

15. Till the Tribunal takes a view in the aforesaid regard, the order of stay dated 14 February 2025, which was originally passed by the Tribunal, shall continue to remain in force.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 19, 2025/aky

Click here to check corrigendum, if any