



2025:DHC:4578



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

Decided on: 26.05.2025

+ W.P.(C) 7358/2025

MANOJ KUMAR

.....Petitioner

Through: Mr. Siddharth Satija, Mr. Sowjhanaya Shankaran, Mr. Akash Sachan and Ms. Anuka Bachawat, Advocates.

versus

INDIAN RAILWAYS CATERING AND
TOURISM CORPORATION & ANR.

.....Respondents

Through: Mr. Manisha Singh, Mr. George Pathan Poothicote, Mr. Anurag Jain, Mr. Prakash Kumar and Ms. Jyoti Singh, Advocates for R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

CM APPL No. 33055/2025 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7358/2025 and CM APPL. 33056/2025 (for stay)

3. The petitioner assails a transfer order dated 01.04.2025, by which he has been transferred from the Internet Ticketing Centre, New Delhi, of the respondent - Indian Railways Catering and Tourism Corporation ["IRCTC"] to the Southern Zone, Chennai. He also assails an order dated



19.05.2025, by which IRCTC has rejected his representation dated 22.04.2025, made pursuant to an order of this Court dated 17.04.2025 in W.P.(C) 4524/2025 [*Manoj Kumar v. IRCTC & Anr.*].

4. The petitioner was appointed in IRCTC by virtue of an appointment and posting order dated 15.02.2011. He was appointed to the post of Executive/Information Technology [“IT”] (E-0) and posted to the Internet Ticketing Centre, New Delhi. He has since been promoted to the post of Assistant Manager (IT). He has remained posted in New Delhi since joining.

5. By the first impugned communication dated 01.04.2025, the petitioner was transferred from the post of Assistant Manager (IT) at the Internet Ticketing Centre, New Delhi, to the Southern Zone “*in the same grade & capacity on administrative grounds*”.

6. The petitioner challenged this order by way of W.P.(C) 4524/2025, which was disposed of on 17.04.2025, with liberty to the petitioner to avail of the grievance redressal mechanism provided in the HR policy of the respondent. The respondent was directed not to give effect to the transfer order, until lapse of a period of one week after disposal of the petitioner’s grievance.

7. Pursuant to this order, the petitioner made a representation on 22.04.2025, which has been rejected by the impugned order dated 19.05.2025. The petitioner has once again challenged his transfer by way of this writ petition.

8. I have heard Mr. Siddharth Satija, learned counsel for the petitioner, and Ms. Manisha Singh, learned counsel for the respondents.

9. Two principal grounds are urged in support of this petition. The



first is that the petitioner was appointed in the IT Cadre, for which posts exist in the respondent organisation, only in New Delhi. It is specifically urged that there is no post in the IT cadre in Chennai. The second ground is of *mala fides*, in support of which it is contended that the petitioner's transfer is a retaliatory measure, as he has filed a complaint with the Chief Vigilance Officer ["CVO"] of IRCTC on 22.01.2025, highlighting grave irregularities in Limited Departmental Competitive Examination ["LDCE"] conducted by the respondent.

10. With regard to the first ground, the petitioner's contention is that he was appointed in the IT cadre and, therefore, cannot be posted outside Delhi, as the IT cadre has sanctioned posts only in Delhi. In support of this contention, Mr. Satija has drawn my attention to IRCTC Recruitment Policy and Rules-2007, dated 25.02.2008, which specifies that recruitments may be done in five cadres, one of which is IT and Technical. Each cadre has different qualifications for selection and different levels at which recruitment is permissible.

11. The petitioner's appointment order dated 15.02.2011 has been placed on record. It does not specifically refer to any cadre, although, as noted above, his appointment was to the post of Executive/IT. The fact that the petitioner's employment is a transferable one has not been disputed. The General Conditions and Service Rules of IRCTC, issued on 02.07.2004, has also been placed on record, the relevant clauses of which are reproduced below:

"26. Transfers :

(1) The term transfer includes the transfer of an employee from one place to another place, from one department to another department or from one field unit to another field unit either at the same place or at another place. An employee cannot claim as



matter of right to be transferred to another place, unit department / establishment I station and also cannot refuse to move on transfer once orders to that effect are issued.

(2) Following which are various kinds of transfer:

(i) Transfer on promotion.

(ii) Transfer in the interest of administration.

(iii) Transfer on the request of the employees.

(3) Transfer on promotion I in the interest of administration:

Employees are liable to be transferred, at the discretion of the management, from one work, department, section or job to another work, department, section or job or from one division of the Corporation to another or from one station to another in India / abroad where the Corporation may now or hereafter have any business. There is no loss of seniority in such cases.”

There is also no provision in these Service Rules relating to allocation of sanctioned posts to a particular “cadre”.

12. The respondent, in the order dated 19.05.2025, has specifically stated that the petitioner’s transfer is being effected on administrative grounds, in accordance with the aforesaid Rules, after consideration by the Director (Tourism and Marketing). The justification for providing an IT personnel in the Southern Zone is contained in paragraph 5 of the order, which reads as follows:

“5. The organisation requires experienced IT personnel in the Southern Zone to strengthen technical operations and enhance service delivery in that region. Your expertise and experience make you a suitable candidate for this assignment. This transfer is part of IRCTC’s strategic human resource allocation to ensure balanced distribution of skilled personnel across all zones.”

13. Further, the respondent has also clarified that the petitioner’s duties in the transferred post will be commensurate with his position as Assistant Manager, IT. This is clear from paragraphs 7 and 8 of the order, reproduced below:



“7. Additionally, IRCTC's organisational structure accommodates IT professionals across various zones to support regional operations. The South Zone in Chennai has several positions where IT expertise is required, as evidenced by company's staffing records. The transfer order specifies that you are posted "in the same capacity" under GGM/SZ, ensuring that your role remains consistent with your qualifications and experience.

8. Furthermore, as per the transfer order, "GGM/SZ shall further assign Duties to the staff", which ensures that your technical skills will be appropriately utilised in your new posting. This is consistent with IRCTC's organisational practice of deploying IT professionals where their expertise is needed, regardless of geographical location.”

Ms. Singh submits, upon instructions, that the respondent will remain bound by these stipulations.

14. In view of the above, I do not find any support in the Rules for Mr. Satija's argument that the petitioner's transfer is contrary to any established allocation of posts to various cadres.

15. The second ground urged is that the petitioner's transfer is *mala fide*. Mr. Satija emphasises the proximity in timing between the petitioner's complaint to the CVO dated 22.01.2025 and his transfer order dated 01.04.2025.

16. The petitioner's complaint dated 22.01.2025 has been placed on record. It concerns an alleged scam in an LDCE conducted for the post of Assistant Manager, IT, pursuant to an advertisement in the year 2015. The petitioner was himself a candidate. Mr. Satija confirms that the results of the LDCE were declared on 09.02.2018, but the petitioner was unable to qualify. He has since been promoted to the post of Assistant Manager, IT. To justify the delay in making the complaint, Mr. Satija submits that the petitioner did not have all the information at his command, which has been obtained over time through applications made



by his brother Mr. Rahul Singh, under the Right to Information Act, 2005 [“RTI Act”]. The last such application was made on 04.08.2023, which was rejected by the Public Information Officer on 30.08.2023, and by the First Appellate Authority on 29.09.2023. Mr. Rahul Singh’s appeal to the Central Information Commission succeeded only on 06.02.2025, by which time the complaint had already been made. It is therefore difficult to accept the petitioner’s contention that the belated complaint was on account of information sought under the RTI Act. At the time the complaint was made, the subsisting orders were of the First Appellate Authority, which denied relief, and which had already been passed more than one year prior.

17. The burden of proving *mala fides* lies upon the person making the allegation and is an onerous one¹. In *E.P. Royappa*, the Supreme Court, held that the allegations of *mala fides* are often more easily made than proved, and the very seriousness of such allegations demands proof of a high order of credibility. In the present case, the allegation that the transfer is actuated by a complaint in respect of an LDCE, which concluded six years ago, does not, in my view, meet that high standard.

18. In the order dated 19.05.2025, two other contentions have also been dealt with:

a) The first concerns the fact that the transfer order does not contain a e-office file number. The order dated 19.05.2025 deals with this objection in the following manner:

“9. Your concern regarding the absence of an E-Office file number on the transfer order does not invalidate the transfer order. The

¹ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3, [“*E.P. Royappa*”] (paragraph 92, 93).
Indian Railway Construction Co. Ltd. v. Ajay Kumar, (2003) 4 SCC 579, (paragraphs 22,23).



transfer was properly initiated through internal memorandum No. 2024/IRCTC/DTM/Notes/32 dated 01.04.2025, which was duly authorised by the Competent Authority to issue the necessary orders.

10. The transfer order was subsequently issued as Office Order: 26/2025, following established administrative procedures. The order clearly identifies the employee by name, employee code, current position, and new posting, leaving no ambiguity about the intent and scope of the transfer.

11. It is pertinent to note that administrative communications may follow different formats based on the nature of the communication, and the absence of a specific format element does not render the communication invalid as long as the substantive requirements are met, which they are in this case."

The allegation with regard to absence of file numbers has been dealt with appropriately by the respondent.

b) The petitioner's last allegation, that he has been subjected to multiple transfers, has been dealt with, as follows:

"15. As regards to your concern about being subjected to multiple transfers within a short period, it is noted that you have been posted at New Delhi since your joining IRCTC i.e. since 2011. Your previous movement from the IT Support Department to the RTI Coordination Cell (vide Office Order No. 04/2025 dated 07.03.2025) was an internal reassignment within the same station (New Delhi), and not a transfer to a different geographical location.

16. As per Clause 26(1) of IRCTC's General Conditions of Service, the organization has the authority to transfer employees as per administrative requirements. The current transfer to Chennai is based on organizational needs and in public interest and is consistent with IRCTC's policy of ensuring appropriate distribution of skilled personnel across all zones."

19. The petitioner has, admittedly, been at the same geographical location ever since his appointment. His job is a transferable one. The reassignment within the same station from one department to the other does not, in my view, raise a suspicion as to the respondent's *bona fides*.

20. I do not find that either of these objections meets the threshold to



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establish that the transfer order violates statutory rules or was *mala fide*.

21. For the aforesaid reasons, I find no merit in this writ petition, which, alongwith the pending application, is, accordingly, dismissed.

MAY 26, 2025
UK/JM/

PRATEEK JALAN, J