



\$~8

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

+ **W.P.(C) 8486/2025 & CM APPL. 36877/2025**

**NATIONAL INSTITUTE OF ELECTRONICS AND
INFORMATION TECHNOLOGY (NIELIT) AND ORS.**

.....Petitioners

Through: Mr. Arun Bhardwaj, Sr. Adv. with
Mr. Ashish Rai, Ms. Pooja Rai, Ms.
Muskan Jain and Ms Neha Mishra,
Advs.

versus

RAJ KUMAR TRIPATHI AND ANR.

.....Respondents

Through: Mr. Yogesh, Mr. Harkesh Parashar,
Mr. Sanjeev Panda and Ms. Divya
Jagga, Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **23.06.2025**

CM APPL. 36877/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, this application stands disposed of.

W.P.(C) 8486/2025

3. The present petition has been filed impugning the interim order dated 13.06.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal') in OA No. 2289/2025 wherein the Tribunal stayed the operation and effect of Transfer Order dated 30.05.2025 of Respondent No. 1 and consequent thereof stayed the ex-parte Relieving



Order dated 03.06.2025 as well. It was further directed to the Petitioners herein [respondents before the Tribunal] to not to take any coercive action against the Respondent No. 1 and allow the Respondent no. 1 to join at his original post and place of posting i.e. as Joint Director (Finance), NIELIT, HQ, New Delhi till the pendency of the OA.

4. As per the Petitioners, Respondent No. 1 was transferred from NIELIT Headquarters to the post of Joint Director (Finance) at Aurangabad Centre in the same capacity vide Transfer Order dated 30.05.2025 and Relieving Order dated 03.06.2025 in accordance with the revised NIELIT Transfer Policy, which came into effect following the approval of the Management Board on 13.09.2022. However, Respondent no. 1 did not join the transferred place of posting and being aggrieved by the Transfer order and Relieving order Respondent no. 1 approached the Tribunal, wherein the impugned order was passed staying the Transfer Order and Relieving Order.

5. Aggrieved by the said directions passed by the Tribunal the Petitioners herein have preferred the present petition.

Arguments on behalf of the Petitioners

6. Mr. Bhardwaj, learned senior counsel appearing for the Petitioners states that the Tribunal in the operative part of the impugned order at paragraph 8 has referred to the clauses of 2012 transfer policy whereas the Transfer order has been passed under the 2022 transfer policy. He states that while the Petitioner is conscious that it can approach the Tribunal for modification/recall of the impugned order, however, the Petitioner at this stage is aggrieved by the direction given by the Tribunal wherein it has been directed to allow Respondent no. 1/applicant to join at his original post of a CFO.



6.1. He states that the Respondent no. 1 was appointed as a Joint Director (Finance) at the Gorakhpur Centre and was transferred to Delhi in 2022. He states that on 31.12.2023, Respondent no. 1 was given an additional charge of CFO as well. He states that post issuance of the Transfer order, the charge of CFO stands already handed over to the new incumbent and in this regard, he relies upon the averments made in paragraph 21 of the petition.

Arguments on behalf of the Respondent No. 1

7. Issue notice. Learned counsel for the Respondent No.1 accepts notice.

8. Learned counsel for the Respondent No. 1 states that 2022 transfer policy is a revision of 2012 policy and both these policies have to be read complementarily and to that extent, the reliance placed by the Tribunal on the 2012 policy is correct.

8.1. He states that the Respondent No. 1 understands that the charge of CFO already stands handed over to the incumbent; and the Respondent No. 1 is only seeking implementation of the direction set out at paragraph 20 of the impugned order to the extent it states that Respondent No. 1 shall continue in his original post as a Joint Director (Finance), until the pendency of OA No. 2289/2025.

8.2. He states that, in fact, the Respondent No. 1 has already reported for service on 17.06.2025 and he was permitted to join the Office in New Delhi. He states that he has no objection if the Petitioner files an appropriate application before the Tribunal and it is heard prior to the date already fixed i.e., 21.07.2025.

8.3. He states that the Petitioners ought to approach the Tribunal as per the liberty reserved.



Directions to Petitioners to approach the Tribunal

9. This Court has heard the learned counsel for the parties.
10. In view of the aforesaid submissions and prima facie consideration of facts placed on record, this Court deems fit to direct the Petitioners to move an appropriate application before the Tribunal to seek modification/recall of the impugned order to bring on record the facts which are now sought to be urged in the present writ petition. This is in consonance with the liberty reserved by the Tribunal at paragraph 24 of the impugned order.
11. A perusal of the grounds in the writ petition shows that the grounds which are sought to be urged were not pleaded before the Tribunal and therefore, it would be appropriate that these grounds are first raised before the Tribunal.
12. This Court notes that the Tribunal has already placed the matter on board for disposal on an early date i.e., 21.07.2025. The Petitioners are at liberty to file an appropriate application for modification/recall on or before 01.07.2025 and the Tribunal is requested to take up the application for hearing expeditiously as per its calendar.

Direction for implementation of paragraph 20 of the impugned order

13. In view of the submissions of the Petitioners and the Respondent No. 1 it is clear that the Respondent No. 1 is not seeking allocation of the additional charge of CFO in pursuance of the impugned order.
14. Learned counsel for the Respondent No. 1 states that though the Respondent No. 1 has joined service on 17.06.2025, he is not being permitted to register his attendance through bio-metrics.
15. In response, the learned senior counsel for the Petitioners states on instructions that without prejudice to the rights and contentions of the



Petitioners, Respondent No. 1 will be permitted to use his bio-metrics at the Head Quarters of NIELIT, New Delhi until the proposed application (to be filed by the Petitioners) is decided by the Tribunal. The said statement is taken on record and the Petitioners are bound down to the same.

16. Needless to state that this order is not an expression on the merits of the case. The rights and contentions of parties are left open.

17. With the aforesaid directions, the petition stands disposed of.

18. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
(VACATION JUDGE)

RAJNEESH KUMAR GUPTA, J
(VACATION JUDGE)

JUNE 23, 2025/msh/ms

[Click here to check corrigendum, if any](#)