



2025:DHC:7971-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 10.09.2025***+ W.P.(C) 13879/2025
AJIT KUMAR

.....Petitioner

Through: Mr.Tushar Ranjan Mohanty,
Adv.

versus

UNION OF INDIA

.....Respondent

Through: Mr.Ajit Kumar Pathak, SPC,
Mr.Ankur, GP and Ms.Akriti
Pathak, Adv.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)****CM APPLs. 56863-64/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

W.P.(C) 13879/2025 & CM APPL. 56862/2025

2. This petition has been filed, challenging the Order dated 18.08.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in M.A. No. 3079/2025 in O.A. No.2340/2025, titled ***Ajit Kumar v. Union of India***, whereby the learned Tribunal disposed of the O.A. as having been rendered infructuous, while granting liberty to the petitioner herein to raise all grounds taken by him in the said O.A. against his transfer in the subsequently filed O.A. No.2940/2025.



3. A few facts relevant to the present petition are that the petitioner was posted at Tirunelveli on 29.12.2023. He was sought to be transferred to HSU, Bengaluru on 09.06.2025, against which the petitioner filed a representation and thereafter instituted O.A. No.2340/2025 before the learned Tribunal.

4. In the said O.A., the learned Tribunal, *vide* Order dated 20.06.2025, while granting *interim* protection to the petitioner against his transfer, directed the respondent to dispose of his representation.

5. The respondent rejected the representation of the petitioner *vide* Order dated 03.07.2025, against which the petitioner filed O.A. No.2610/2025. Notice in the said O.A. was issued by the learned Tribunal on 14.07.2025.

6. On 17.07.2025, O.A. No.2340/2025 came up for hearing. It is the case of the petitioner that the learned Tribunal directed the *interim* order to continue, while posting the O.A. for 10.09.2025. However, in the order uploaded on the website, the direction regarding continuation of the interim order was missing.

7. The petitioner, therefore, filed M.A. No. 3079/2025, seeking modification of the Order dated 17.07.2025 and continuation of the interim protection.

8. The said M.A. was considered by the learned Tribunal by the Impugned Order. The learned Tribunal found that since the respondent had already rejected the petitioner's representation against his transfer *vide* Order dated 03.07.2025, which had been challenged in O.A. No. 2610/2025, the earlier O.A., that is, O.A. No. 2340/2025, was rendered infructuous.



2025:DHC:7971-DB



9. The learned counsel for the petitioner vehemently submits that on 18.08.2025, the O.A. was not listed before the learned Tribunal. He further submits that the fact that the interim order was directed to continue by the learned Tribunal *vide* its Order dated 17.07.2025, can be verified from the video recording of the proceedings of that day. He submits that, in any event, the petitioner could not have been left without any relief and the *interim* order vacated, except by way of a speaking order. He further submits that he has already filed an application seeking interim relief in O.A. No. 2610/2025.

10. On the other hand, the learned counsel for the respondent, who appeared on advance notice of this petition, submits that while he presently has no instructions from the respondent, the fact remains that the challenge of the petitioner to his transfer is pending adjudication in O.A. No.2610/2025, which is listed today before the learned Tribunal.

11. We have considered the submissions made by the learned counsels for the parties.

12. Instead of issuing notice in this petition and directing the respondent to file its response, thereby multiplying the litigation on the same issue, we deem it appropriate to dispose of the present petition with the following directions:

- a. The *interim* Order dated 20.06.2025 passed by the learned Tribunal in O.A. No.2340/2025 shall continue for a further period of two weeks from today, within which period the learned Tribunal shall consider the request of the petitioner for *interim* relief, or preferably decide O.A., that is, O.A.No.2610/2025 itself on merits, and,



2025:DHC:7971-DB



- b. While deciding the interim application or the O.A., the learned Tribunal shall remain uninfluenced by this order and shall consider the petitioner's request, as well as the respondent's objections thereto, on its own merits.
13. The petition and the pending application are disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 10, 2025/Arya/DG