



2025:DHC:8980-DB



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

Date of decision: 06.10.2025

+ W.P.(C) 15283/2025
RADHA KISHAN JOSHIPetitioner
Through: Mr.Avadh Bihari Kaushik,
Adv.

versus

UNION OF INDIA AND OTHERSRespondents
Through: Mr.Premtosh K. Mishra, CGSC,
Mr.Siddharth Bajaj,
Mr.Prarabdh Tiwari, Advs. for
R-1.
Mr.Ripudaman Bhardwaj, SPP,
Mr.Kushagra Kumar, Mr.Amit
Kr. Rana, Advs. for R-2 to 4.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 62623/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 15283/2025 & CM APPLs. 62624/2025, 62625/2025

2. This petition has been filed, challenging the Order dated 18.02.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 552/2025, titled ***Radha Kishan Joshi alias R.K. Joshi vs. Union of India & Ors.*** as also the Order dated 19.08.2025 passed by



the learned Tribunal in the Review Application filed in the said O.A., being R.A. No.137/2025.

3. The petitioner had filed the above O.A. challenging the order dated 04.02.2025 issued by the respondents transferring the petitioner from CBI, ACB, Port Blair to CBI, ACB, Pune.

4. On notice being issued on the said O.A., the respondents came back with instruction that on the petitioner joining the transferred post at CBI, ACB, Pune, he will be allowed to retain the quarter at Delhi-NCR for nine months till 31.10.2025. On this concession, the learned counsel appearing for the petitioner stated that as the grievance of the petitioner has been partly redressed, the petitioner does not wish to proceed further. The Impugned Order dated 18.02.2025 was therefore passed on the statement of the learned counsel appearing for the petitioner and the O.A. was disposed of.

5. It is only in July, 2025, that is, after a period of five months, that the petitioner filed the above Review Application, being R.A. No.137/2025, with the delay of 114 days, alleging that his counsel did not have instructions to withdraw the O.A..

6. The learned Tribunal by its Impugned Order dated 19.08.2025, has held that the said Review Application was not maintainable as no ground falling under Order XLVII Rule (1) of the Code of Civil Procedure, 1908 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 has been made out. The delay in filing the said Review Application was, however, condoned.

7. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that the challenge of the petitioner



was against his transfer as being in violation of the Transfer Policy of the respondents. He submits that he, having served at Port Blair, which is considered as hard posting, for more than two years and in fact almost five years, was entitled to choice posting and had applied for the same in August, 2024 and January, 2025. Instead of considering the same, the respondents had issued the transfer order, transferring the petitioner to CBI, ACB, Pune, which was challenged by the petitioner before the learned Tribunal.

8. He further submits that the petitioner is to superannuate on 11.02.2027 and, therefore, he should have been allowed to retain the government accommodation at Delhi/NCR till his superannuation. He submits that given his family circumstances, the petitioner is willing to give up his claim of HRA or government accommodation at Pune and seeks allotment of government accommodation at Delhi/NCR (Ghaziabad).

9. We have considered the submission made by the learned counsel for the petitioner, however, find no merit in the same.

10. The Impugned Order dated 18.02.2025 has been passed on the submission of the learned counsel for the petitioner that the petitioner does not wish to proceed further with the O.A. There cannot a challenge to this consent order. It is only as an afterthought that the petitioner filed the Review Application after expiry of five months, now alleging the lack of instruction to the counsel to withdraw the petition. The same was rightly rejected by the learned Tribunal.

11. As far as the plea of the petitioner that he be entitled to retain the government accommodation at Delhi/NCR (Ghaziabad), this was



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neither the subject matter of the O.A. filed before the learned Tribunal nor can it be considered in the present writ petition. For the said purpose, the petitioner would, however, have the liberty to move a representation before the concerned authority, which shall consider the same on its own merits.

12. Barring observing the above, we find no merits in the present petition. The same is, accordingly, dismissed. Pending applications are also disposed of being infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 6, 2025/Arya/ik