



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Reserved on:16.12.2025  
Pronounced on:16.01.2026*

+ **W.P.(C) 5341/2008**  
CHANDRANSH PANDEY .....Petitioner  
Through: Ms. Nidhi Pandey, Advs.

Versus

UOI AND ORS .....Respondents  
Through: Mr. Jitesh Vikram Srivastava,  
SPC Mr.  
Manjeet Singh Reen, Adv. for  
R-5 & R-6 (through VC)

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

**JUDGMENT**

**MADHU JAIN, J.**

1. This petition has been filed, challenging the Order dated 02.07.2008 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. No. 284/2008, titled ***Chandrash Pandey v. Union of India & Ors.***, whereby the learned Tribunal dismissed the said O.A. filed by the petitioner herein, with the following directions:

*"17. It is settled proposition of law that there is no arbitrariness in rectifying of an administrative error which can or do occur. It has been clearly brought out by learned*



*counsel for respondents that entire matter was result of administrative error which has being admitted by the DRM, Jhansi. Thus, as the applicant was neither required nor eligible to exercise his option which in fact is the foundation of his claim, the entire structure built by him on that foundation is necessarily rendered infructuous. It may not be out of place to observe that there would appear to be some basis in the submissions of the respondents that applicant managed/ manipulated to have his option and transfer to Delhi Division. In fact after completion of deputation with CRIS, he should have reported back to his parent Division which was not Delhi where he reported. It cannot be that applicant was unaware of the relevant Rules/instructions/guidelines. Again, such instances can and do occasionally occur particularly in large Departments like Railways and on occasions such as merger of cadres /transfers/re-organization of zones etc.*

*18. Resultantly, applicant's claim being not only misplaced but misconceived and without any justification deserves to be dismissed. Accordingly, present OA is dismissed. No costs."*

#### **BRIEF FACTS OF THE PRESENT CASE:**

2. The petitioner was initially appointed as an Electrical Signal Maintainer ('ESM'), B Grade on 22.12.1983 in the Indian Railways and was subsequently promoted to the post of Junior Engineer Grade-II (Signal) on 04.07.1988.
3. In April 2000, the petitioner applied for and proceeded on deputation to the Centre for Railway Information Systems ('CRIS') for a period of five years, commencing from 25.04.2000, while



holding lien with the Jhansi Division.

4. During the period of petitioner's deputation, the Railway Administration undertook a large-scale reorganisation involving the creation of new Zones and Divisions, including restructuring of the Northern and North Central Railways. In this context, options were invited from employees of affected divisions for allocation to the newly constituted or reorganised divisions.

5. It is the case of the petitioner that in pursuance of the Railway Board's instructions dated 06.12.1996 and the subsequent notifications dated 14.11.2002 and 15.11.2002 to set up new Railway Zones, options were invited from the non-gazetted staff of the affected divisions, including Jhansi Division for allocation to Agra Division, Jhansi Division or the Delhi Division. The petitioner, being an employee of the Jhansi Division, exercised his option for allocation to the Delhi Division of Northern Railway on formation of new Railway Zone of North Central Railway at Allahabad. His option was duly forwarded by Jhansi Division *vide* letter dated 26.11.2002 for appropriate action and was accepted along with the options of other employees.

6. Thereafter, *vide* letter dated 03.12.2002, the Divisional Railway Manager (Personnel), Jhansi again called upon all concerned employees of Jhansi Division to submit option forms for Delhi Division. It is not disputed that the petitioner's name was included in the list of employees opting for Delhi Division, which was forwarded to Delhi Division in 2003. As the petitioner was on deputation with



CRIS at the relevant time, his lien was subsequently transferred to the Delhi Division.

7. In terms of the Memorandum of Understanding executed between the Jhansi Division and the Delhi Division regarding handing over and taking over staff, the service records of transferred employees were required to be handed over. However, the service records of some transferred employees were not initially transmitted to the Delhi Division and the Delhi Division requested for the same *vide* letter dated 24.07.2003. In the said letter, a list of the employees whose service record were not received was attached and the petitioner's name appeared at serial no. 6.

8. Consequently, Jhansi Division forwarded the petitioner's complete service and leave records to Delhi Division *vide* letter dated 22.03.2004.

9. As the petitioner was on deputation in CRIS, the Jhansi Division also informed CRIS, *vide* letter dated 30.04.2004, that the petitioner's entire service record had been transferred to Delhi Division and that any further correspondence concerning him should now be addressed to the Delhi Division.

10. Upon completion of his sanctioned 5 year deputation tenure on 25.04.2005, the petitioner was repatriated by CRIS to the Delhi Division *vide* letter dated 02.05.2005 and was to report for further posting. He, accordingly joined the Delhi Division and was taken on strength *vide* Notice dated 24.05.2005, with posting in the Test Room, Divisional Railway Manager's ('DRM') Office, New Delhi.



11. Consequent upon his repatriation, his seniority in the cadre of Junior Engineer-II (Signal) was fixed by the Delhi Division *vide* Notice dated 18.01.2006, wherein he was placed at Serial No.1 in the seniority list. In the said Notice, it was also noted that the petitioner could not be assigned seniority in the cadre of Junior Engineer-II (Signal) in 2003 due to '*over sighting being on deputation with CRIS.*'

12. Subsequently, when the departmental examination was to be held on 25.02.2006 for promotion to the post of Senior Engineer (Signal), the petitioner was not called, despite his placement in the seniority list. He accordingly submitted a representation dated 02.02.2006, requesting for an opportunity to appear in the said examination. The respondents, instead, cancelled the petitioner's seniority *vide* Notice dated 24.02.2006, on the basis of a representation made by another employee, Shri A.K. Sharma, challenging the petitioner's inclusion in Delhi Division and on observing that the post of the petitioner had not been transferred to the Delhi Division while his name was included in the Memorandum of Understanding. It was further decided that provisional seniority assigned to the petitioner would be treated as cancelled, unless a post of Junior Engineer-II (Signal) is provided by the Jhansi Division.

13. The petitioner made a further representation against the said action and *vide* letter dated 06.03.2006, the DRM took note of the fact that in lieu of petitioner working in CRIS on deputation, no post was transferred to the Delhi Division. Accordingly, the DRM also requested the Jhansi Division to provide one post of Junior Engineer-



II to the Delhi Division for accommodating the petitioner.

14. In the meantime, one Junior Engineer-II (Signal), Shri K.B. Vijay, expired, resulting in a vacancy. Thereafter, the respondents restored the petitioner's seniority in the Delhi Division and placed him at serial no. 1, above Shri A.K. Sharma, *vide* order dated 11.02.2007.

15. However, again a show-cause notice dated 23.07.2007 was issued to the petitioner stating that his inclusion in the list of employees transferred to Delhi Division was erroneous, therefore, the benefit of the sudden death of Shri K.B. Vijay could not be extended to him, as he was not fulfilling the eligibility criteria. In view of this his seniority in the Delhi Division was stated to have been wrongly fixed. The petitioner submitted his reply thereto on 03.08.2007, however, the respondents passed an order dated 28.01.2008, cancelling the seniority assigned to the petitioner and directing that he be spared to report to the Jhansi Division, on the ground that he had been erroneously taken on the strength of Delhi Division.

16. The petitioner assailed the said order by filing the above O.A. before the learned Tribunal. The learned Tribunal, *vide* an *interim* order dated 04.02.2008, stayed the operation of the Impugned Order, however, *vide* order dated 02.07.2008, it dismissed the said O.A. with the above quoted directions.

17. Accordingly, a relieving order dated 16.07.2008 was issued to the petitioner, directing him to appear in the Jhansi Division.

18. Aggrieved thereby, the petitioner filed the present Writ Petition, challenging the order dated 02.07.2008 passed by the learned



Tribunal and the consequential administrative orders, *inter alia*, on the grounds that his transfer to Delhi Division was pursuant to the reorganisation policy whereby the Jhansi Division was treated as an affected division and his option was accepted and acted upon and that the orders cancelling his seniority and directing his reversion to Jhansi Division are unsustainable.

19. It is relevant to state that the present Writ Petition was earlier allowed by this Court by a Judgment dated 21.12.2009, observing as under:

*“38. We must express our disapproval at the manner in which the respondents have conducted themselves. The petitioner, it appears, has been put to sheer harassment by the Railways only on account of pressure being exerted by the staff union to get rid of the petitioner and to pack him off to jhansi Division. It appears that the fact that petitioner was on deputation at the time of his transfer to Delhi Division made him appear as an alien when he joined Delhi Division upon his repatriation from deputation. By then his other contemporary Sh. A.K. Sharma appears to have entrenched himself in Delhi Division and that may have led to protests, inter alia, by the staff union against the petitioner when he suddenly emerged upon his deputation with CSIR coming to an end. In our view, the railway administration should have taken a principled stand and should not have allowed itself to get drawn in this dispute and to become an instrument in the hands of the staff union to advance their unjust demand. If, either Sh. A.K. Sharma or the staff union were aggrieved by the absorption of the petitioner in Delhi Division, they should have taken up the cause by approaching either the Tribunal,*



*or by resort to any other appropriate judicial/quasi judicial proceeding. The respondent could not have recalled its order/conscious decision dated 12.02.2007. The railway association cannot appear to be taking sides and to swing from one end to another because pressure may have been exerted by the staff union. Consequently, we allow this petition with costs quantified at Rs.20,000/-.”*

20. However, Review Application no. 123/2010 was filed by private respondent nos. 5 and 6, on the ground that they are necessary parties and the petitioner had failed to implead them in the petition and in their absence the Order dated 21.12.2009 is not binding. Considering the Review Application, this Court *vide* Order dated 19.11.2010 allowed the Review Application, recalled the said Judgment and restored the Writ Petition for a fresh consideration, with direction to implead the respondent 5 and 6.

**SUBMISSIONS ON BEHALF OF LEARNED COUNSEL FOR THE PETITIONER:**

21. The learned counsel for the petitioner submits that the above facts, when viewed cumulatively, demonstrate the illegality and arbitrariness of the impugned action of the respondents of cancelling the seniority of the petitioner and directing him to report to the Jhansi Division.

22. The learned counsel for the petitioner submits that once an option exercised under a reorganisation policy is accepted, acted upon,



followed by transfer of lien, service records, posting and fixation of seniority, the same cannot be undone after several years on the plea of an alleged mistake. He contends that the respondents' conduct in first accepting the petitioner's transfer, thereafter cancelling his seniority, subsequently restoring it and then once again cancelling it, without any change in facts or policy, is manifestly arbitrary and violative of the settled principles of administrative fairness.

23. He further submits that the impugned actions have resulted in prolonged uncertainty and prejudice to the petitioner in matters of cadre allocation and seniority, despite the petitioner having acted strictly in accordance with the options invited by the respondents themselves. He was excluded from the normal cycle of promotions, deprived of corresponding pay progression and increments and suffered a consequential impact on his pensionary benefits, which are intrinsically linked to the last pay drawn. He ultimately retired from the same position in which he was placed following the cancellation of his seniority, causing not only financial loss but also reputational prejudice. He contends that the Impugned Orders, being inconsistent, non-speaking and contrary to the governing policy, are unsustainable in law and liable to be set aside.

24. The learned counsel for the petitioner places reliance on the Judgment of the Supreme Court in *State of Uttar Pradesh v. Baleshwar Singh*, 2023 SCC Online SC 1579 and also on the Judgments of the Madhya Pradesh High Court in *Santosh Kumar Sihare v. State of M.P. and Ors.*, 2019 SCC OnLine MP 6104 and



***Giriraj Sharan Jayswal v. The State of Madhya Pradesh and Ors.,*** 2022:MPHC-JBP:7941, to submit that an order of transfer, once executed by joining and accepted by the competent authority, cannot thereafter be cancelled without cogent reasons.

25. The learned counsel for the petitioner further submits that the learned Tribunal failed to appreciate the true scope of the reorganisation policy and the governing instructions, inasmuch as the options for allocation to Delhi Division were invited from the entire Jhansi Division and not confined to any particular sub-division or section; that the notifications dated 14.11.2002 and 15.11.2002, read with the Railway Board instructions dated 06.12.1996, clearly entitled non-gazetted staff of affected divisions to exercise options for Agra Division, Jhansi Division, or Delhi Division; that the petitioner exercised his option in accordance with the prescribed option form, which was duly accepted and acted upon by transfer of lien, forwarding of service records, posting and fixation of seniority; and that once such option stood implemented and was even restored after an earlier cancellation, the respondents could not, after several years, seek to undo the same on the plea of an alleged administrative mistake, particularly when the learned Tribunal failed to deal with the documentary material and written submissions placed on record.

**SUBMISSIONS ON BEHALF OF LEARNED COUNSEL FOR THE RESPONDENTS:**

26. The learned counsel for the official respondents submits that as



per the Railway Board's letter dated 06.12.1996, guidelines were laid down for calling of options in the Headquarters of the New Zonal/Divisional Railways. He places reliance on the letter dated 28.01.2008 from the Northern Railway and M.S. Railway Board's Notice dated 10.12.2002, to submit that as per the said guidelines, it is clear that no options were invited from any staff to opt for Delhi Division. As per the policy, the staff of the Section transferred/merged with the new reorganized Division would be transferred to the new re-organized Division on, as is where is basis.

27. The learned counsel for the official respondents further submits that the private respondents were working as Junior Engineer-II (Signal) on the section merged with the Delhi Division and accordingly, they were transferred on, as is where is basis, whereas, the Petitioner was neither working in the affected portion, nor could have exercised such option, as per the guidelines of Railway Board's letter dated 06.12.1996.

28. The learned counsel submits that the petitioner was at all material times an employee borne on the cadre of Jhansi Division and was holding lien with Jhansi Division while proceeding on deputation to CRIS. He submits that the petitioner proceeded on deputation to CRIS in April 2000 for a period of five years with effect from 25.04.2000 and his lien with Jhansi Division continued during the period of deputation. He further submits that although the petitioner exercised an option for Delhi Division, the same was required to be examined in accordance with the reorganisation policy and subject to



verification of eligibility and cadre position. He contends that the petitioner's inclusion in the list forwarded to Delhi Division and the subsequent correspondence relating to transfer of service records were administrative steps taken during the process of reorganisation.

29. He further submits that the petitioner was repatriated from CRIS after completion of his deputation tenure and was taken on strength of Delhi Division, whereafter his seniority was initially fixed. However, after completion of deputation with CRIS, he should have reported back to his parent Division, which was not Delhi where he reported. Further, while the process of creation of New Zonal Railways was over and started functioning with effect from 01.4.2003, the petitioner joined the Delhi Division only on 24.05.2005, on being relieved from CRIS. In view of this, the learned counsel for the private respondents submits that the petitioner cannot get seniority over the private respondents as the petitioner was transferred only in 2005, as against the private respondents who were transferred in 2003.

30. The learned counsel submits that the petitioner was allowed to join the Delhi Division on the basis of the letter received from DRM dated 26.4.2003. On this basis, he was assigned provisional seniority. However, the same was challenged by Shri A.K. Sharma, respondent no. 5 on the ground that the petitioner had never worked in the affected area and no post was transferred for him to the Delhi Division. Thereafter, on examination of the records and representations received, it was found that the petitioner's inclusion in Delhi Division and fixation of seniority required reconsideration. He



contends that accordingly, the petitioner's seniority was cancelled *vide* order dated 24.02.2006, which action was taken on the basis of the material placed before the competent authority.

31. He further submits that the show-cause notice dated 23.07.2007 issued to the petitioner stating that his seniority in Delhi Division had been wrongly fixed and that his inclusion in the list of employees transferred to Delhi Division was erroneous. He submits that the petitioner submitted his reply to the show-cause notice on 03.08.2007, which was duly considered by the competent authority. After consideration of the reply and the relevant records, the competent authority passed the order dated 28.01.2008, cancelling the seniority earlier assigned to the petitioner and directing that he be spared to report back to Jhansi Division. The order dated 28.01.2008 was passed by the competent authority in exercise of administrative powers and in accordance with the respondents' understanding of the applicable reorganisation policy.

32. In support of this submission, the learned counsel places reliance upon the Judgments of this Court in W.P.(C) 3724/2010, dated 29.09.2010 titled ***Union of India & Ors. v. G.V.R. Gupta***, and in W.P.(C) 6402/2010, dated 10.11.2010 titled ***Government of NCT of Delhi v. Tejvir Singh***.

#### **ANALYSIS AND FINDINGS:**

33. We have considered the submissions made by the learned counsels for the parties and have perused the material placed on



record.

34. On the basis of the pleadings, the rival submissions, and the material placed on record, the principal issue which arises for consideration before this Court is whether the respondents were justified in cancelling the petitioner's absorption and seniority in the Delhi Division after several years on the plea of an alleged administrative mistake in the absence of any fraud or misrepresentation on his part.

35. The undisputed factual position emerging from the record is that the petitioner exercised his option for allocation to Delhi Division pursuant to the reorganisation policy and the options invited by the Railway Administration. The said option was forwarded by the parent division, acted upon by the respondents and followed by consequential administrative steps including transfer of lien, transmission of service and leave records, posting in Delhi Division and fixation of seniority.

36. The record further reveals that the petitioner's seniority was fixed by the Delhi Division on more than one occasion, was cancelled, thereafter restored and subsequently sought to be withdrawn again, without any change in the governing policy or the factual position. Such repeated reversals, without any cogent reasons cannot be sustained in law.

37. Once the option exercised under a reorganisation policy is accepted and implemented, followed by absorption on the strength of the transferee division and fixation of seniority, the same attains finality. It cannot be unsettled after a lapse of several years on the plea



of an alleged administrative mistake, particularly when no fraud or misrepresentation on the part of the employee is alleged or established.

38. In the present case, the respondents' own contemporaneous conduct also assumes significance. The petitioner's option was not merely received but was processed, forwarded and acted upon at multiple administrative levels. The transfer of lien, transmission of complete service records, issuance of posting orders, and fixation of seniority were not clerical or ministerial acts but conscious administrative decisions taken over a span of time. Such actions cannot be subsequently characterised as accidental or inadvertent, especially when no contemporaneous objection was raised and no inquiry was initiated alleging impropriety at the relevant time.

39. Equally material is the fact that the respondents themselves vacillated in their stand. The petitioner's seniority was first cancelled, thereafter restored and once again cancelled without any intervening change in law, policy, or factual position. Such oscillation reflects administrative uncertainty and lack of application of mind and cannot be permitted to operate to the detriment and prejudice of an employee who has consistently acted in accordance with the directions issued to him by the administration.

40. The learned Tribunal, while dismissing the O.A. *vide* the Impugned Order, proceeded on the premise that the petitioner was neither required nor eligible to exercise an option and further made observations imputing manipulation on the part of the petitioner. Such



conclusions were not borne out from the contemporaneous record and were unsupported by any concrete material. The Tribunal also failed to adequately consider the effect of the acceptance and implementation of the petitioner's option by the respondents themselves.

41. Insofar as the objection raised by private respondent nos. 5 and 6 regarding non-impleadment is concerned, it is noted that the earlier Judgment of this Court dated 21.12.2009 was recalled in review proceedings and the Writ Petition was restored for fresh consideration. The said objection, therefore, stands remedied and does not survive for consideration at this stage.

42. In view of the above, this Court is of the considered opinion that the Order dated 02.07.2008 passed by the learned Central Administrative Tribunal cannot be sustained and is liable to be set aside.

43. However, it is also an admitted position that the petitioner and the respondent no. 5 has since superannuated from service in the year 2020 and 2010, respectively. The dispute pertains to *inter se* seniority and consequential service benefits, which have now lost their practical relevance and may lead to administrative chaos, affecting others who may not even be parties to this petition. This Court is conscious of the fact that the grant of retrospective seniority at this stage would be wholly academic and would not serve any useful purpose. The jurisdiction under Article 226 of the Constitution of India is discretionary and equitable and relief need not be granted merely



because a legal infirmity is found, particularly where the same would not result in any meaningful or workable outcome.

**CONCLUSION:**

44. Accordingly, while the Impugned Order dated 02.07.2008 passed by the learned Tribunal in O.A. No. 284/2008, cannot be sustained in law, however, in view of the superannuation of the petitioner as well as the private respondent No. 5, this Court is not inclined to grant any consequential relief to the petitioner. The Writ Petition is, therefore, disposed of in the above terms.

45. There shall be no order as to costs.

**MADHU JAIN, J.**

**NAVIN CHAWLA, J.**

**JANUARY 16, 2026/k**