



2025:DHC:7458-DB



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

*Date of decision: 27.08.2025*

+ W.P.(C) 13050/2025  
DEPUTY COMPTROLLER AND AUDITOR GENERAL OF  
INDIA HR & ORS. ....Petitioners

Through: Dr. S S Hooda & Mr. Aditya  
Hooda, Advs.

versus

PRIYANKA GUPTA ....Respondent

Through: Ms. Aanchal Anand, Adv.

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

**NAVIN CHAWLA, J. (ORAL)**

**W.P.(C) 13050/2025 & CM APPL. 53422/2025**

1. This petition has been filed, challenging the Order dated 13.08.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi in O.A. no. 4148/2024, titled ***Priyanka Gupta v. Comptroller General of India and Ors.***, disposing of the O.A. filed by the respondent herein with the following directions:-

*“(i) The Order dated 16.05.2024 by Respondent No.2 ordering premature repatriation of the present applicant to office of Respondent No.3 is quashed.*

*(ii) The Respondent No. 1 shall pass a reasoned and speaking order regarding issue nos.(ii) and (iii) under paragraph*



*No.8.1above, within a period of 4 weeks from receipt of certified copy of this order and such speaking order shall be conveyed to Respondent Nos.2 and 3 within 7 days of passing of such order.*

*(iii) Respondent No.2 shall pass appropriate speaking order regarding absorption of the present applicant in their office within 15 days after passing of the speaking order by Respondent No. 1.*

*(iv) The applicant is at liberty to challenge both the speaking orders by Respondent No.1 and Respondent no.3 by approaching the appropriate forum as per law.*

*(v) The respondent no.2 shall not repatriate the present applicant till expiry of the extended deputation period or till 90 days after passing of appropriate speaking order by him as per (iv) above, whichever is later.”*

2. The learned counsel for the petitioner submits that the learned Tribunal has directed the petitioner to pass a reasoned and speaking order regarding issue no. 2 and 3 as given in para 8.1 of the Impugned Order. The said issues are reproduced herein under :-

*8.1 For adjudication of the remaining issues i.e. premature repatriation and permanent absorption of the applicant in office of respondent no.2, from the pleadings of the parties and the respective submissions by their learned counsels as recorded above, the following issues are formed:*

*ii) Whether the posts of Assistant Audit officers in office of Respondent No. 2 and in the Office of Respondent No.3 are from two different distinct cadres of*



*Assistant Audit Officers governed  
by two distinct service Rules?*

*iii) Whether, Respondent No. 1, by convention or executive order, has treated the Assistant Audit Officers like the present applicant to be permanently posted to sub-cadre of various offices in Delhi and in various states as contained in Column No. 2 of the Indian Audit and Accounts Department (Assistant Accounts Officers and Assistant Audit Officers) Recruitment Rules, 2020?"*

3. He submits that it was not the case of the respondent that the post of Assistant Audit Officer in office of respondent no. 2 and in the office of respondent no. 3 are same cadres of Assistant Audit Officer nor was it her case that she had come on 'transfer' and not on deputation. He submits that therefore, a new case has been set out by the learned Tribunal and based thereon, the Impugned Order has extended the period of deputation of the respondent.

4. The learned counsel for the respondent, who appears on advance notice of this petition, fairly admits that it is not the case of the respondent that she had been posted to the office of respondent no. 2 on 'transfer' basis. She admits that the case of the respondent is that she was placed in the office of respondent no. 2 on deputation.

5. Keeping in view the above, as far as the directions contained in paragraph 9.1 (ii) to (iv) of the Impugned Order are concerned, the same cannot be sustained as they are not based on the case of either of the parties.



6. The question that now remains is whether the respondent is entitled to be absorbed in the office of the respondent no. 2.
7. The learned counsel for the respondent submits that the period of deputation of the respondent has also been extended vide order dated 25.02.2025 and posting order dated 02.04.2025.
8. These issues have not been considered by the learned Tribunal in the Impugned Order.
9. The learned counsel for the petitioner, placing reliance on the observations made by the learned Tribunal in paragraph 8.5 of the Impugned Order, submits that the learned Tribunal has held that the respondent has no indefeasible right to get absorbed in the deputed sub-cadre or distinctly different cadre, that is, the respondent no. 2. He submits that therefore, the claim of the respondent for absorption has been rejected by the learned Tribunal.
10. We find that while the learned Tribunal has considered the claim of absorption as a question of law, however, the learned Tribunal has not considered if the respondent otherwise, on facts, is entitled to be absorbed with the office of respondent no. 2. The effect of the order dated 25.02.2025 and posting order dated 02.04.2025 has also not been considered by the learned Tribunal.
11. Accordingly, the Impugned Order dated 13.08.2025 is hereby set aside. The O.A. is restored back to its original number. The parties shall appear before the learned Tribunal on 4th September, 2025. The learned Tribunal is requested to dispose of the O.A. by a fresh order after hearing the learned counsels for the parties, preferably within a period of two weeks of its first listing.



2025:DHC:7458-DB



12. The petition along with the pending application is disposed of in the above terms.

**NAVIN CHAWLA, J**

**MADHU JAIN, J**

**AUGUST 27, 2025/ys/GB/ik**