



2026:DHC:7750-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010390502026
+ **W.P.(C) 12160/2026, CM APPL. 56355/2026, CM APPL. 56356/2026, CM APPL. 56357/2026 & CM APPL. 56358/2026**

RAJ KUMAR TRIPATHIPetitioner
Through: Mr. A.K. Behera, Sr. Adv. with
Mr. Yogesh Kumar Mahur, Mr. Harkesh
Parashar, Mr. K. Suryanarayanan and Ms.
Illashree, Advs.

versus

UNION OF INDIA AND ORS.Respondents
Through: Mr. Anshuman, SPC with Mr.
Rahul Kumar Sharma, Govt Pleader
Mr. U.N. Singh, Adv. with Mr. Saket
Suman, Assitant Director NIELIT for R-2 to
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CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

ORDER (ORAL)
08.09.2026

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C. HARI SHANKAR, J.

1. This writ petition assails order dated 8 July 2026 passed by the Central Administrative Tribunal¹ in OA 1225/2026 and order dated 7 August 2026 passed by the Tribunal in RA 88/2026, whereby the petitioner sought review of the earlier judgment dated 8 July 2026 to the extent it was adverse to the petitioner.

¹ "Tribunal" hereinafter



2. In the OA, the petitioner challenged his transfer from Delhi to Aurangabad, as well as the decision to relieve him from service consequent thereupon.

3. The Tribunal has refused to interfere with the order of the transfer but has held that decision to relieve the petitioner was not sustainable. Accordingly, the Tribunal has disposed of the OA in the following terms:

“51. In view of the foregoing discussion, the Original Application is disposed of with the following directions:

(i) The relieving order dated 30.03.2026 is hereby quashed and set aside.

(ii) The respondents are directed to consider and decide the applicant's representation dated 30.03.2026 by passing a reasoned and speaking order strictly in accordance with the applicable Transfer Policy and other relevant rules, within a period of six weeks from the date of receipt of a certified copy of this order.

(iii) Until the representation is decided, the applicant shall not be relieved pursuant to the transfer order dated 24.03.2026.

(iv) In the event the representation is rejected and the decision is adverse to the applicant, such order shall remain in abeyance for a further period of one week from the date of its communication to the applicant, thereby enabling him, if so advised, to avail such legal remedies as may be available to him in accordance with law.

Pending MA(s), if any, shall also stand disposed of. There shall be no order as to costs.”

4. In the petitioner's Review Application, it was contended that several of the arguments advanced before the Tribunal while arguing the OA were not considered in the earlier decision dated 8 July 2026.



However, the Review Application was dismissed by a detailed order dated 7 August 2026, in circulation, without even hearing the parties.

5. We are of the opinion that, if a detailed and reasoned order was required to be passed to decide the RA, the parties ought to have been personally heard prior thereto.

6. Aggrieved by the decision in the OA and the RA to the extent that they are adverse to the petitioner, the petitioner has approached this Court by means of the present writ petition.

7. We heard Mr. A.K. Behera, learned Senior Counsel for the petitioner and Mr. Anshuman, learned SPC for Respondent 1 and Mr. U.N. Singh, learned Counsel for Respondents 2 to 6, at length.

8. We sought Mr. Behera's response to a query as to how the petitioner was aggrieved by the Tribunal's decision, as it adequately protects the petitioner by permitting the petitioner to challenge any decision adverse to the petitioner, if passed on his representation and also keeps the operation of the decision in abeyance for a week so that the challenge could be made. We are informed that such a challenge has been made by the petitioner by a subsequent OA 2723/2026 which is presently pending before the Tribunal.

9. Mr. Behera submits that the petitioner's apprehension is that, while deciding the said OA, the Tribunal would be influenced by the adverse findings of the Tribunal on the petitioner's order of transfer, as contained in the order dated 8 July 2026 in OA 1225/2026 and 7



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August 2026 in RA 88/2026.

10. With consent of parties, we dispose of this petition with a clarification that, while adjudicating the OA, presently pending before the Tribunal, the Tribunal would proceed uninfluenced by any observations adverse to the petitioner as contained in the aforementioned orders dated 8 July 2026 in OA 1225/2026 and 7 August 2026 in RA 88/2026.

11. Beyond this, we are not expressing any opinion on the merits of the case which shall be open to be considered by the Tribunal holistically.

12. We are informed that the OA is listed before the Tribunal on 10 September 2026. Mr. Behera submits, on instructions, that the date of 10 September 2026 has been granted by the Court Master as the Court was not sitting on the last date of hearing and there is some difficulty in the petitioner appearing on 10 September 2026.

13. Therefore, with consent of learned Counsel, we request the Tribunal to adjourn OA 2723/2026, which is presently listed on 10 September 2026 to 16 September 2026 and take up the matter and hear it finally on the said date and, thereafter, pronounce judgment as expeditiously as possible.

14. We make it clear that neither side would be entitled to seek any adjournment from the Tribunal on the said date.



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15. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 8, 2026/AR