



2025:DHC:6175-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 29.07.2025***

+ W.P.(C) 11059/2025 & CM APPL. 45495/2025, CM APPL. 45496/2025, CM APPL. 45497/2025
DEPUTY COMPTROLLER AND AUDITOR GENERAL
(HR) & ANR.Petitioners

Through: Dr. S. S. Hooda, Adv.

versus

TILAK RAJRespondent

Through: Mr. Ankur Chhibber, Adv.

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

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 18.07.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2346/2025, titled ***Tilak Raj v. Deputy Comptroller and Auditor General of India (HR) Office of the CAG of India & Anr.***, whereby the learned Tribunal allowed the O.A. filed by the respondent herein with the following directions:

"14. In the result, the present Original Application is allowed in the following terms:-

(i) The impugned orders dated 06.06.2025 and 12.06.2025 are quashed and set aside;

(ii) The respondents are directed to accept the technical resignation tendered by



the applicant and relieve the applicant forthwith to enable him to join the post of Additional General Manager (Finance-Internal Audit) and Additional General Manager (Finance) in Indian Railway Finance Corporation. The applicant shall be entitled to consequential benefits as per rules; and

(iii) If the concerned respondent(s) is/are failed to relieve the applicant, the applicant is entitled to produce a copy of this Order before the concerned authority at Indian Railway Finance Corporation who shall allow him to join the said post to which he (the applicant) has been selected.”

2. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that the petitioners had issued a Show-Cause Notice dated 29.05.2025, calling upon the respondent to show cause why disciplinary proceedings should not be initiated against him. He submits that it was for this reason that the approval for his technical resignation had been rejected by the petitioners.

3. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, submits that although the Show-Cause Notice had been placed on record before the learned Tribunal by the petitioners along with the second counter-affidavit filed by the petitioners, the same was never cited as a ground for rejecting the technical resignation of the respondent. He further submits that this plea was not even raised by the petitioners before the learned Tribunal, as would be evident from a reading of the Impugned Order itself.

4. At this stage, the learned counsel for the petitioners prays for leave to file a Review Application before the learned Tribunal.



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5. We dispose of this petition, leaving it open to the petitioners to approach the learned Tribunal by way of a Review Petition.
6. We make it clear that we have not expressed any opinion on the merits of the submissions made by the learned counsels for the parties. The permission to file a review is being granted only for the reason that, from a reading of the Impugned Order, it does not become apparent whether the petitioners had raised the above plea before the learned Tribunal.
7. The learned counsel for the petitioners prays for a stay on the operation of the Impugned Order while the petitioners move the learned Tribunal with the Review Application.
8. On the other hand, the learned counsel for the respondent submits that Indian Railway Finance Corporation Limited, where the respondent is now to join, has fixed 31.07.2025 as the last date for joining; and the grant of a stay would result in the cancellation of the Offer of Appointment to the respondent.
9. In the peculiar facts of the present case, while we stay the operation of the Impugned Order for a period of one week from today to enable the petitioners to move an appropriate application before the learned Tribunal, we also direct the Indian Railway Finance Corporation Limited to extend the period of joining for the respondent by a further period of two weeks.
10. The learned Tribunal is requested to consider the application, if any, filed by the petitioners seeking review of its Impugned Order, expeditiously and preferably within a week of its first listing. In case the learned Tribunal is unable to decide the application within the said

