



2026:DHC:5163-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7815/2026, CM APPLs. 37934/2026, 37935/2026 &
37936/2026

MAHESHWAR NARAYAN
SHARMA AND ORSPetitioners
Through: Mr. Prakhar Bhatnagar and Mr.
Sahitya Sharma, Advs.

versus

M V BABU SVAMINATH AND ORSRespondents
Through: Dr. K.P. Kylasanatha Pillay, Sr.
Adv. with Mr. Nitish Pande, Advs. for R-1
to R-3
Mr. Krishna Kumar Sharma, SPC with Mr.
Bipul Kumar, GP for UOI

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **29.05.2026**

C. HARI SHANKAR, J.

1. This writ petition challenges an order passed by the Chairperson of the Central Administrative Tribunal¹ in exercise of the jurisdiction vested in him by Section 25 of the Administrative Tribunals Act, 1985².

2. Respondents 1 to 3³ instituted OA 596/2025 before the Ernakulam Bench of the Central Administrative Tribunal, challenging

¹ "Tribunal", hereinafter

² "AT Act", hereinafter

³ "the respondents", hereinafter

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the promotion granted to the present petitioners, who were impleaded as Respondents 7 to 84 in the OA.

3. As we are dealing with an order passed on a transfer petition, it is not necessary to dwell further into the facts.

4. Suffice it to state that PT 22/2026 was filed by the present petitioners before the Chairperson of the Tribunal, seeking transfer of OA 596/2025 from the Ernakulam Bench of the Tribunal to the Principal Bench of the Tribunal.

5. We may note that, of the said petitioners, 17 are located in Delhi, 16 in Uttar Pradesh, 7 in Bihar, 3 in Haryana, 4 in Rajasthan, 2 in Chhattisgarh, 1 in Jharkhand, 3 in Madhya Pradesh, 1 in Kerala, 7 in West Bengal, 2 in Andhra Pradesh, 5 in Tamil Nadu, 1 in Uttarakhand, 2 in Manipur, 1 in Nagaland, 3 in Maharashtra, 2 in Telangana and 1 in Sikkim. Despite this, by the transfer petition, all the petitioners desire transfer of the OA to Delhi.

6. We deem it appropriate to emphasize this fact as one of Mr. Prakhar Bhatnagar's principal contentions is that the Tribunal did not factor in the convenience of the present petitioners, i.e., the applicants in the PT before the learned Chairperson, while deciding the PT. He invokes, for this purpose, the principle of *forum conveniens*.

7. Given the diverse locations of the petitioners, we are unable to understand how the principle of *forum conveniens* can at all apply.



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8. Be that as it may, the learned Chairperson disposed of the PT filed by the petitioners by the following order dated 24 April 2026:

“Heard learned counsel for the respective parties.

The present P.T. has been filed for transfer of the proceedings of the subject O.A. from the Ernakulam Bench to the Principal Bench at New Delhi.

Mr. Bhatnagar, learned counsel for the petitioner, submits that respondent Nos. 1 to 3 are the original applicants in the O.A. and they have challenged the promotion of the petitioner, who is the original private respondent. He further submits that the petitioner/original respondent is posted at New Delhi and the impugned order has also been passed at New Delhi. There is no dispute that the Principal Bench has part jurisdiction in the matter.

However, respondent Nos. 1 to 3 are posted at Thiruvananthapuram and, therefore, part of the cause of action also lies within the jurisdiction of the Ernakulam Bench. The said respondents, being dominus litis, are at liberty to file the O.A. either before the Ernakulam Bench or the Principal Bench at New Delhi. The present petitioner (original private respondent) cannot dictate the forum or compel the original applicants to approach a particular Bench.

Mr. Bhatnagar further submits that respondent Nos. 1 to 3, by way of the subject O.A., have challenged the promotion of more than 84 persons, who are posted across different parts of the country, and that it would be convenient for such private respondents if the O.A. is transferred to New Delhi.

Be that as it may, the fact remains that if the proceedings are transferred to New Delhi, respondent Nos. 1 to 3 (original applicants) would be put to inconvenience.

In the above circumstances, I am not inclined to exercise our jurisdiction under Section 25 of the Administrative Tribunals Act, 1985.

Accordingly, the present P.T. stands disposed of.”

9. Aggrieved by the aforesaid order, the petitioners have instituted the present writ petition.



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10. We have heard Mr. Prakhar Bhatnagar, learned Counsel for the petitioners, Dr. K.P. Kylasanatha Pillay, learned Senior Counsel appearing for Respondents 1 to 3 and Mr. Krishna Kumar Sharma, learned Senior Panel Counsel for the Union of India.

11. Mr. Bhatnagar submits that the test which the Chairperson is required to adopt while deciding an application for transfer of proceedings pending before one Bench to another Bench, of the Tribunal, is the test of *forum conveniens*. He has placed reliance, for this purpose, on the judgment of the Full Bench of this Court in *Sterling Agro Industries Ltd. v. Union of India*⁴ as well as the judgments of the Division Benches of this Court in *Comptroller and Auditor General of India v. Nirbhay Kumar Santosh*⁵ and *State of Bihar v. Amit Lodha*⁶.

12. None of these judgments can come to the aid of the petitioners. *Sterling Agro Industries* was dealing with the concept of the forum before which a writ petition under Article 226 of the Constitution of India could be instituted. Unlike Article 226 of the Constitution of India or, for that matter, Section 20 of the Code of Civil Procedure, 1908⁷, Section 25⁸ of the AT Act and Rule 6(1)⁹ of the Central

⁴ 2011 SCC OnLine Del 3162

⁵ 2025 SCC OnLine Del 1325

⁶ 2023 SCC OnLine Del 6387

⁷ "CPC", hereinafter

⁸ 25. **Power of Chairman to transfer cases from one Bench to another.**—On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before one Bench, for disposal, to any other Bench.

6. **Place of filing application.**—

(1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction—

(i) the applicant is posted for the time being, or



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Administrative Tribunal (Procedure) Rules, 1987¹⁰ envisages an OA being ordinarily filed by an applicant with the Registrar of the Bench within whose jurisdiction the applicant is posted or the cause of action wholly or in part has arisen. The proviso to the Rule envisages hearing and disposal of the application by the Bench which has jurisdiction over the matter subject to the decision of the Chairperson under Section 25 of the AT Act on an application filed under the said provision.

13. In view of Rule 6 (1), there can be no doubt about the fact that the Ernakulam Bench has jurisdiction over the matter and that Respondents 1 to 3 correctly approached the Ernakulam Bench. As we have noted, unlike Section 20 of the CPC and Article 226 of the Constitution of India, Rule 6 (1) (i) of the CAT (Procedure) Rules accords primacy to the location of the applicant before the Tribunal, rather than the respondent. This sole factor, even by itself, would belie the reliance placed by Mr. Bhatnagar on the principle on *forum conveniens*.

14. Even if the principle of *forum conveniens* is to be pressed into service, if the applicants are situated in one location and the respondents in another, given Rule 6 (1) (i), ordinarily the convenient forum would be the forum where the applicants are situated and not where the respondents are situated.

(ii) the cause of action, wholly or in part, has arisen:

Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under Section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

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15. The Tribunal has, therefore, applied the correct test and noted that, as Respondents 1 to 3 are the *dominus litis* and as they are posted in Ernakulam, no case for transfer of the case from Ernakulam to Delhi is made out.

16. Even on facts, we find the reliance on the principle of *forum conveniens* to be misconceived. It is not as though all the petitioners before us are situated in Delhi and that, therefore, it would be overwhelmingly convenient for the *lis* to be adjudicated in Delhi rather than Ernakulam. We have already noted the various locations in which the petitioners before us are situated. They are spread all over the country. As such, it cannot even be said that all the petitioners are situated in Delhi so as to maintain a plea of *forum conveniens* even on facts.

17. The exercise of jurisdiction under Section 25 of the AT Act, read with Rule 6 of the CAT (Procedure) Rules, is purely administrative and discretionary in nature. It does not lend itself to interference in judicial review under Article 226 of the Constitution of India, unless it is founded on erroneous principles or is manifestly arbitrary or perverse. The impugned order of the Tribunal is not vitiated on any of these grounds.

18. Besides, we have to be conscious of the fact that, with the advent of technology, it is possible for parties located at different locations in the country to participate in proceedings virtually, even if they are not physically in a position to travel.

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19. There is, therefore, no cause for us to interfere with the impugned order which is upheld in its entirety. The writ petition is, therefore, dismissed in *limine*.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 29, 2026/aky