

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8706 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 8716 of 2026**

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ANIRUDH SHARMA S/O GOKULRAM SHARMA & ORS.

Versus

KOTHARI JAY NITINKUMAR S/O NITINKUMAR MAHASUKHLAL KOTHARI &
ORS.

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Appearance:

PRITHU PARIMAL(9025) for the Petitioner(s) No. 1,2,3,4,5,6
MS. HIMANSHI BALODI, ADVOCATE WITH MS PREETI R DIXIT(11328) for the
Respondent(s) No. 1,2,3,4
MS VYOMA K JHAVERI(6386) for the Respondent(s) No. 5,6,7,8
MR. ANKIT SHAH, ADVOCATE for the Respondent(s) No. 5,6,7,8

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CORAM:HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA

and

HONOURABLE MR.JUSTICE J. L. ODEDRA**Date : 01/07/2026****ORAL ORDER****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

[1] It is the argument by the learned counsel for the petitioners that the issue relating to seniority on transfer on mutual exchange, which was governed by Para 230 of the IREC was considered by the Central Administrative Tribunal, Kochi and it was held that the grant of seniority in respect of reserved category posts had a prejudicial effect and the same ought to be reframed.

[2] This order of the CAT was, in fact, confirmed by the Kerala High Court, and thereupon the Railways reframed the policy

and permitted transfer only *inter se* amongst reserved category employees, and in respect of non-reserved category employees, made one policy applicable only to direct recruitment posts and also held that the principle of bottom seniority would be applied.

[3] It is contended that the said policy, framed pursuant to the earlier order of the CAT and the High Court of Kerala was subsequently considered by the CAT and also by the Kerala High Court, and the same policy was, in fact, upheld. It is stated that the subsequent policy of the Railways was also affirmed by the Hon'ble Supreme Court by the dismissal of the SLPs filed against the order of the Kerala High Court.

[4] It is submitted that notwithstanding the fact that the reframed policy had been upheld right up to the Hon'ble Supreme Court, the Central Administrative Tribunal, Ahmedabad Bench, in Original Application No.104/2024, has taken a contrary view, and the said order has also been challenged before this Court in Special Civil Application No.9388 of 2025. It is submitted that the impugned order has applied the ratio laid down in Original Application No.104/2024 and has passed the impugned order. It is further submitted that this order infringes upon the seniority of the present petitioners, and it is also highlighted that the petitioners were not even made parties in the proceedings, nor were they given a chance to put forth their case.

[5] Since the correctness of the order passed in Original Application No.104/2024, on the basis of which the impugned order has been passed, is also pending consideration in Special Civil Application No.9388 of 2025, it would be appropriate to direct that the said Special Civil Application also to be listed along with these writ petitions.

[6] Having regard to the fact that the reframing policy, which has been upheld by the Hon'ble Supreme Court, has been in operation, and the order of the CAT presently passed, which, according to the petitioners and even according to us *prima facie*, runs counter to the decision of the Kerala High Court, it would be appropriate to stay the operation of the impugned order till the next date of hearing.

[7] It is made clear that the Railways shall not grant any further promotions till the next date of hearing.

[8] Re-list on **29.07.2026**.

(N.S.SANJAY GOWDA, J.)

(J. L. ODEDRA, J.)

DHARMENDRA KUMAR