

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1593/2026
CM No. (4144/2026)

Vipin Kumar

...Applicant(s)/Petitioner(s)

Through: Mr. Danish Majeed Dar, Advocate

VERSUS

Union of India And Anr.

...Respondent(s)

Through: Mr. Vikas Malik, CGSC and
Mr. Faizan Ganie, CGC

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
10.07.2026

1. By attributing malice in law as well as on the fact unto the respondents, the petitioner is coming forward with a challenge to a course of action on the part of Headquarter Kashmir Frontier, Border Security Force, Humhama Srinagar whereby in terms of an **order No. 825/Ftr-KMR/Qtr Cell/BSF/2026/1555-57** dated **06.07.2026**, the petitioner has been called upon to vacate government accommodation, otherwise occupied by him on account of his posting in Srinagar, in the face of the fact that the petitioner has been

ordered to be transferred from Srinagar to SHQ, BSF Trivandrum.

2. The petitioner has taken his transfer order for a challenge in a pending writ petition **WP(C) No. 1472 of 2026**.
3. The transfer order of the petitioner which is in Hindi, with English translation obtaining on the record of this writ petition, is meaning to say that by the directions of the Headquarters of BSF, New Delhi, in terms of communication dated **25.06.2026**, the petitioner is ordered transferred as Assistant Commandant from Headquarter Frontier, BSF Kashmir to SHQ, BSF Trivandrum.
4. The petitioner in his said pending writ petition has assailed his transfer order on the grounds as set out therein but this Court, in terms of order dated **01.07.2026**, instead of staying the operation of the transfer order otherwise impugned in the writ petition, simply directed the present status of the petitioner to be maintained meaning thereby the petitioner got well posted with notice of the fact that the operation of the impugned transfer order

has not been stayed by this Court, because if that would have been so then there would perhaps have arisen no occasion for the respondent No. 2 to come up with the impugned **order No. 825/Ftr-KMR/Qtr Cell/BSF/2026/1555-57** dated **06.07.2026** calling upon the petitioner to vacate the official accommodation.

5. The very fact that the impugned order is bearing recital in para **3** of the writ petition about the petitioner's transfer is not a fact to be exploited by petitioner to say that the vacation intended from the official accommodation is a mala fide on the part of the Authorities to frustrate the petitioner's pending writ petition or to prejudice his right of having assailed his transfer before this Court.
6. This Court cannot be called upon to draw an interlinking between the petitioner's transfer, which is the subject matter of a pending writ petition awaiting adjudication, and a course of action on the part of the Authorities asking the petitioner to vacate the Government quarter/official accommodation occupied by him.

7. This Court is resisting from coming up with the observation that a Border Security Force personnel and in particular officials are meant to have discipline first and the discretion later.
8. The call made upon the petitioner to vacate the official quarter is qualified one which is that in case if he vacates it on his own within the stipulated time then he is to suffer no other consequence in terms of vacation of the quarter but in case if he overstays at his own discretion then he shall suffer liability of paying demurrage or penal license fee as admissible under the applicable government rules.
9. This is a choice left for the petitioner to avail and there is no scope for this Court to come in between and injunct the Authorities that petitioner be allowed to stay in the official accommodation but without the rider accompanying with his continuing occupation as spoken to in the impugned **order No. 825/Ftr-KMR/Qtr Cell/BSF/2026/1555-57** dated **06.07.2026**.

10. As a Border Security Force official, having been ordered to be transferred and the order of transfer not being stayed by this Court expressly, can have only this much outcome against the petitioner which is a call upon him to vacate his official accommodation and, in case, the petitioner is awaiting the final judgment of the Writ Court in his writ petition **WP(C) No. 1472 of 2026**, the petitioner can avail private rented accommodation in Srinagar, Kashmir without perpetuating his stay in the official accommodation wherefrom he is sought to be vacated.
11. Therefore, this Court finds no occasion to come in exercise of writ jurisdiction at the instance of the petitioner. This writ petition is **dismissed**.

(RAHUL BHARTI)
JUDGE

SRINAGAR
10.07.2026
Akshil Dev