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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11012/2015**

ABHAY KUMAR BHARGAVA

..... Petitioner

Through: Mr Aasim Ali and Mr Faiz Sherwani,
Advs.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr Ripu Daman Bhardwaj, CGSC for
respondents 1 to 3 along with Mr Abhishek
Khanna, Government Pleader
Mr Arvind Sharma, DC, BSF

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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30.11.2015

The petitioner's grievance is that his request for transfer for spouse place posting where he is living and working has not been dealt with fairly. He was recruited as Head Constable in the BSF in 2005. He requested for similar consideration based upon the BSF policies in 2012. He was accommodated at Bhondsi, although his request was to be posted at Delhi. Upon completion of that tenure, he was posted to Delhi for one year partly acceding to the request for spouse place posting. Learned counsel submits that not granting a full tenure of three years amounts to discrimination and seeks to compare his case with others who were given full tenure or even more.

This Court had asked the respondent-BSF to produce the

records. Apparently, in 2012 even though the writ petitioner was ineligible (since the essential condition for spouse place posting is 10 years service), he was accommodated in a post near Delhi, i.e., Bhondsi. The petitioner's grievance to a certain extent appears to be well founded because by the present posting order, he has been given only one year stay in Delhi, however, at the same time considering the extremely limited parameters of judicial review, the Court cannot issue a positive direction to extend the tenure to two years at this stage. At the same time, since the normal tenure concededly under ordinarily circumstances is three years, the BSF is directed to consider accommodating him for a further period of two years—if possible—by April, 2016 or else at least in a next posting to the extent it is reasonably possible.

The writ petition is disposed of in above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

NOVEMBER 30, 2015

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