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

+ W.P.(C) 447/2016 and CM APPL. 1761-1762/2016

RAVI KANT RAGHAV Petitioner
Through: Mr. K. Venkatraman, Advocate

versus

UNION OF INDIA AND ANR Respondents
Through: Ms. Archana Gaur, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
20.01.2016

1. The present petition has been filed by the petitioner praying *inter alia* for setting aside the communication dated 11.12.2015, issued by the respondent No.2/BSF, rejecting his request for being posted in Delhi.

2. Vide order dated 18.12.2015, the petitioner, who is a part of 150 Battalion, was directed to move w.e.f. 01.01.2016, to Gandhidham, Gujarat. On the last date of hearing, the case was adjourned to enable the counsel for the respondents to obtain instructions from her clients as to whether any officer of 150 Battalion has been accommodated in Delhi despite the order dated 18.12.2015, calling upon the entire Battalion to move to Gandhidham.

3. Today, learned counsel for the respondents states on instructions that no officer of 150 Battalion has been accommodated and the entire Battalion was required to move to Gandhidham for being deployed at the border areas.

4. At this stage, counsel for the petitioner submits that having regard to the fact that the petitioner has a school going child, who has to appear for her 10th standard examinations in April, 2016 and her studies would be disturbed in the middle of the academic session on account of the transfer order, and in view of para 5(e) of the Circular dated 18.05.2010, issued by the respondent No.2/BSF pertaining to posting/transfer of officers etc., if the petitioner applies for completing his tenure of three years of posting in Delhi, and a vacancy is available, the respondents be called upon to consider the said representation for his remaining tenure of one year and eight months, in accordance with law.

5. Having regard to the submissions made hereinabove, the petitioner is directed to join his place of posting within one week from today. The respondents shall not take any coercive action against the petitioner if he joins his place of posting within a period of one week from today and his request for grant of leave for the said purpose shall

be favourably considered. Further, the petitioner is granted liberty to represent to the respondent No.2/BSF for permission to complete the balance period of his posting at Delhi, for one year and eight months, which request if made, shall be considered on a vacancy arising in Delhi and duly conveyed in writing to the petitioner.

6. The petition is disposed of alongwith the pending applications.

DASTI.

HIMA KOHLI, J

SUNIL GAUR, J

JANUARY 20, 2016

rkb/ap