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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1005/2016
VINOD KUMAR Petitioner
Through Ms. Swati Sukumar, Anu, S. Banerji, Advocates.

versus

STATE TRADING CORPORATION OF INDIA LTD.
..... Respondent
Through Mr. S. B. Upadhyay, Sr. Advocate with
Mr. Surabh Tuteja and T. Nath, Advocates

CORAM:
HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER
% **05.02.2016**

CM Appln. No.4392/2016

Exemption, as prayed for, is allowed, subject to all just exceptions.

This application is disposed off.

WP(C) No.1005/2016 & CM Appln. Nos.4390-91/2016

The petitioner impugns the transfer order dated 22.12.2015 transferring the petitioner from Delhi to Bombay issued by the respondent.

Admittedly, since the terms of employment do envisage transfers in the exigencies of service, and in terms of the relevant rules and regulations; counsel for the petitioner, *inter alia*, claims to have expressed a desire to be permitted to attend to his minor son who is currently in 12th Class and is expected to sit for the Higher Secondary examinations which are scheduled to conclude in the last week of March 2016. He, of course, also wishes to be able to attend his son's needs thereafter.

Counsel for the respondent, who appears on advance notice, states, on

instructions, that without admitting any of the allegations that have been made against his client, either in fact or in law; and without prejudice to any stand that may have been taken by the respondent on these aspects of the matter in case they were called upon to enter the traverse; the respondent is prepared to ensure that the petitioner shall be summoned on assignment to Delhi and be permitted to remain in Delhi on assignment till 14.04.2016; within one week from the date he reports at his place of posting. He further states that with a view to minimizing the controversy, it would be open to the petitioner to apply for leave for the period after the date on which he was relieved from Delhi till the date he joins at his place of posting at Bombay, which will be duly granted to him. And that all these concessions are being given subject to the petitioner reporting for duty at his place of posting at Bombay within one week from today. The petitioner would be obliged to report for duty at Bombay within one week and thereafter to report back to Bombay on 15.04.2016 after completion of his assignment period at Delhi; and in case he fails to do so, it would open to the respondent to initiate disciplinary proceedings as per law.

In the opinion of the Court also, such a suggestion is eminently fair.

With the consent of both parties, it is further directed that the transfer order shall bind the petitioner; and that the aforesaid terms shall also be binding on both parties.

It is further made clear that this order is not to be treated as a precedent, and is limited to the petitioner alone. It is also made clear that the merits of the matter have not been examined one way or the other and no

prejudice shall be caused to either party by this order. However, in case the petitioner is entitled to any other relief regarding transfers and posting etc. under relevant and applicable rules and regulations which govern his employment, it would be open to the petitioner to take appropriate steps in that regard in future also.

The petition, along with pending applications, is disposed off in the above terms.

A copy of this order be given *dasti* to counsel for the parties under the signatures of the Court Master.

SUDERSHAN KUMAR MISRA, J

FEBRUARY 05, 2016

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