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

+ W.P.(C) 3187/2016

S.I. (M). R.N. KULHARI Petitioner
Through: Mr. Kunwar Anish Ali, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. P.C. Yadav, CGSC &
Mr. Santosh Kumar Pandey,
Advocate

CORAM:

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

ORDER
04.05.2016

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1. The present petition has been filed by the petitioner praying *inter alia* for quashing the Office Order dated 15th February, 2016, issued by the respondent- CRPF and further for directing the respondents to allot him Rajasthan Sector.

2. Learned counsel for the petitioner states that the petitioner had joined the CRPF as a Constable (GD) in the year 1990 and on promotion was transferred to Avanthipura, Srinagar on 15th September, 2012 and had remained posted there till 20th February, 2015. Thereafter, vide order dated 20th February, 2015, the petitioner was transferred to Ananthnag, Srinagar for a period of six months which had expired on 5th November, 2015 but he remained posted there even thereafter. It is submitted that owing to his family problems, the petitioner had requested the

respondents to post him at Rajasthan, his native place where his family resides but the said request was turned down by the respondents vide Signal dated 15th February, 2016, and the petitioner has been allotted Central Zone as his next place of posting at Lucknow, U.P..

3. The grievance of the petitioner is that vide order dated 22nd March, 2016, the respondents have turned down his representation on the ground that he has already completed his Zonal tenure in Jammu & Kashmir and he was ineligible for being posted at Rajasthan based office. Learned counsel for the petitioner submits that vide Signal dated 15th October, 2015, the respondents had informed the petitioner that his transfer case shall be considered / reviewed during the Summer Transfer 2016 but without taking into consideration the fact that he had not yet completed 18 years in the Northern Zone, he has been summarily transferred in terms of the order dated 22nd March, 2016, to Lucknow, U.P., that falls in the Central Zone.

4. On the last date of hearing, learned counsel for the respondents had sought time to obtain instructions from the department as to whether prior hereto, the petitioner had requested the respondents for a choice posting and if so, whether he had been accommodated in the past twenty five years of service.

5. Learned counsel for the respondents states on instructions that the petitioner has already availed his posting in his home sector namely Northern Zone as well as Home Zone i.e. Jammu & Kashmir for far more than the prescribed period, which includes his posting at Delhi/ NCR based offices between 5th September, 2000 to 8th September, 2006, spreading over a period of six years and at Noida between 4th July, 2008

to 14th November, 2012, spreading over four years and four months, as against the prescribed normal tenure of three years. It is clarified by the respondents' counsel that in totality, the petitioner has been availing postings at the Home Zone for the past 19.3 years, as against the prescribed tenure of 18 years. It is in this background that the petitioner's request for being posted at Rajasthan sector has been turned down.

6. In view of the fact that out of twenty five years of service rendered by him, the petitioner has remained in the Home Zone, i.e. Jammu & Kashmir for over 19 years and still has atleast eight years of service left to render which would offer more opportunities for him to seek a posting in the Rajasthan sector in the future, we are not inclined to interfere in the impugned order dated 22nd March, 2016.

7. The petition is dismissed.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 04, 2016

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