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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 3538/2016 & C.M. 15167/2016  
SHRI BHAGWAN ..... Petitioner  
Through: Mr. Yashpal Rangi, Advocate  
versus

UNION OF INDIA & ORS ..... Respondents  
Through: Mr. Anil Panwar, CGSC, with  
respondent-UOI

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

**ORDER**  
**27.04.2016**

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1. The present petition has been filed by the petitioner praying *inter alia* for quashing the signal dated 15<sup>th</sup> July, 2015, issued by the BSF whereunder he has been transferred from the Western Command to the Eastern Command. Further, the petitioner seeks quashing of a part of the promotion order dated 26<sup>th</sup> October, 2015, promoting him from the rank of Sub-Inspector to Inspector (Ministerial), limited to the extent of transferring him to the Eastern Command.
2. Learned counsel for the petitioner states that this is the second round of litigation that has had to be initiated by the petitioner. Prior hereto, the petitioner had filed W.P.(C). 8713/2015 assailing the very same Signal dated 15<sup>th</sup> July, 2015, which was disposed of vide order dated 4<sup>th</sup> April, 2016 in view of the submission made by learned counsel for the petitioner that the petitioner may be permitted to assail the subsequently issued Signal dated 26<sup>th</sup> October, 2015. Liberty as prayed for was granted to the petitioner to withdraw the said petition while

reserving his right to file a fresh petition to assail the Signal dated 26<sup>th</sup> October, 2015.

3. In the course of the arguments, learned counsel for the petitioner submits that he has made a series of representations to the respondent to reconsider his transfer on promotion from the Western Command to the Eastern Command, but to no avail. However, we do not find any such representations on record.

4. Learned counsel for the petitioner submits that the petitioner may be permitted to file a substantive representation before the respondents, taking therein *inter alia* all the pleas including the plea of compassionate posting in the Western Command, within two days from today.

5. If the petitioner files a representation to the respondents within two days from today, the same shall be considered and decided by the competent authority in accordance with the law within two weeks from the date of receipt. Till the respondent passes a speaking order under written intimation to the petitioner, the impugned order/Signal dated 26<sup>th</sup> October, 2015 insofar as it has transferred the petitioner from the Western Command to the Eastern Command, shall not be given effect to.

6. The present petition is disposed of along with pending application.

7. **Dasti** to parties.

**HIMA KOHLI, J**

**SUNIL GAUR, J**

**APRIL 27, 2016**

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