

\$~37.

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

+ W.P.(C) 3603/2016 and CM APPL. 15468-69/2016

LT COL (DR) N MUTHUKRISHNAN Petitioner
Through: Ms. Swati Gupta, Advocate with
Mr. S. Anand and Mr. Ramya Kutty, Advocates

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Arun Bhardwaj, CGSC with
Mr. Mimansak Bhardwaj, Advocate and
Mr. Devashish Dikshit, SM, AMS-15.

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

ORDER
28.04.2016

%

1. The petitioner has filed the present petition praying *inter alia* for quashing his posting order dated 23.02.2016, whereunder he has been posted from Bangalore to Gaya. In the alternate, the petitioner seeks directions to the respondents/Indian Army to post him elsewhere so that his family can retain the current accommodation.
2. Mr. Arun Bhardwaj, counsel for the respondents, who appears on advance notice, states on instructions that the plea taken by the petitioner that there is no Army Public School available at Gaya for the petitioner's younger daughter to complete her +2 after class 10, is incorrect for the reason that there are ten schools in Gaya that have +2 facilities and out of the said ten schools, there are four schools that are within the Cantonment

area including two Kendriya Vidyalyas and two private schools. He states that the petitioner has been accommodated for a place of posting on several occasions and this time, he was directed to join his place of posting on 23.03.2016. However, at his request, the petitioner has been granted two extensions, i.e., till 11.04.2016 and then till 02.05.2016.

3. Counsel for the respondents states on instructions that if the petitioner is requesting that he be permitted to retain the current family accommodation at Bangalore, he can be accommodated only for a period of one year, particularly, since there is a paucity of accommodation at his place of posting at Gaya. However, the petitioner shall have to vacate the family accommodation at Bangalore after one year and make alternate arrangements.

4. Counsel for the petitioner states that she has obtained instructions from her client to the effect that the petitioner is ready and willing to report at his place of posting on 02.05.2016 on an assurance from the respondents that they shall permit him to retain the family accommodation at Bangalore for a period of one year. She adds that the petitioner may be permitted to represent to the respondents for a change of his place of posting to a field posting after he joins duty at his place of posting at Gaya.

5. In view of the submission made by the counsel for the respondents that the petitioner's family shall not be displaced from the official accommodation being occupied by them at Bangalore for a period of one year, i.e., till the petitioner's younger daughter completes her 10th class, the petitioner shall be entitled to retain the said accommodation for a period of one year, whereafter he shall make alternate arrangements in the event his family proposes to remain at Bangalore. Liberty is granted to the petitioner

to submit a representation to the respondents to grant him a field posting, after he joins his duty at Gaya.

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

DASTI.

HIMA KOHLI, J

SUNIL GAUR, J

APRIL 28, 2016

rkb

