

\$~6

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

+ **W.P.(C) 4962/2016 & CMs No.20621-23/2016**

**POONAM DEVI** ..... Petitioner  
Through : Mr. Rakesh Dahiya, Advocate

versus

**UNION OF INDIA & ORS** ..... Respondents  
Through : Mr. Ajay Dignpaul, Advocate  
Mr. Rahul Raj Malik, Advocate

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

**ORDER**  
% **27.05.2016**

1. The present petition has been filed by the petitioner praying *inter alia* for issuing a writ of certiorari, quashing the Movement order dated 13.5.2016 issued by the respondent No.2/BSF directing her to join her new place of posting at Kadamtal, Siliguri, West Bengal.
2. Counsel for the petitioner submits that the petitioner was employed as a lady Constable (GD) in the year 2010, on compassionate grounds after her husband, who was working in the BSF, had expired in the year 2004. The petitioner has a 13 years old son and a 16 years old daughter. It is submitted that the petitioner's daughter is suffering from seizure disorder/nocturnal epilepsy for which she is undergoing treatment at AIIMS since the year 2012.

3. It is submitted that earlier to issuing the impugned Movement Order, in the year 2014, a Movement Order dated 9.12.2014 was issued transferring the petitioner to the 41<sup>st</sup> Battalion at Chhatisgarh. Aggrieved by the said order, the petitioner had filed a writ petition in this Court seeking quashing thereof. Though an interim order was granted in favour of the petitioner in the said petition on 22.12.2014, subsequently, vide order dated 28.4.2015, the petition was disposed of by observing that the petitioner shall approach the IG Frontier HQ, North Bengal, Kadamtala with a request to transfer her to Kadamtala where medical facilities would be available for treating her daughter and if she does so, the officer concerned would issue necessary orders in that regard.

4. Thereafter, the respondents had issued a Movement Order dated 30.5.2015, directing the petitioner to join her duty at the 66<sup>th</sup> Battalion, BSF within 40 days. Subsequently, the petitioner had filed a SLP in the Supreme Court against the order dated 28.4.2015 passed by the Division Bench, which was dismissed, vide order dated 7.9.2015, while recording *inter alia* that an order of transferring the petitioner had already been passed by the respondent authority. It was however directed that the said transfer order would not be given effect to till 30.4.2016. After availing of the timeline granted by the Supreme Court in SLP (C)No.17316/2015, the petitioner is back before this Court and now seeks quashing of the Movement Order dated 13.5.2016, on the very same grounds as were taken in the earlier petition filed by her.

5. Having regard to the fact that the Supreme Court had already granted sufficient leniency to the petitioner by deferring the transfer order dated 9.12.2014 till 30.4.2016, we are not inclined to entertain the present petition

for quashing the Movement Order dated 13.5.2016.

6. Needless to state that if the petitioner wishes to seek modification of the order dated 7.9.2015 passed by the Supreme Court, it is for her to approach the said court for appropriate relief.

7. The writ petition is disposed of, along with the pending applications.

**HIMA KOHLI, J**

**SUNIL GAUR, J**

**MAY 27, 2016**

sk