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

+ W.P.(C) 5211/2016

JAGDISH SINGH

..... Petitioner

Through: Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Suresh C. Sati with Mr.  
Pradeep C. Sati, Advocates.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

% **31.05.2016**

1. The present petition has been filed by the petitioner praying *inter alia* for issuing a writ of certiorari for quashing the Movement order dated 17.05.2016, posting him to the 02 Battalion at Sanatnagar, Srinagar, Jammu & Kashmir.
2. The petitioner, who is working on the post of an Head Constable in the 25 Battalion, BSF and is deputed in the Administration, Directorate Office, BSF, has filed this petition stating *inter alia* that since his tenure of posting of three years has yet to be completed, any premature transfer by the respondents is contrary to the Transfer Policy dated 14.12.2001.
3. Learned counsel for the respondents, who appears on advance notice, disputes the aforesaid position and states that as per Rule 9 of the Border Security Force (Tenure of Posting and Deputation) Rules, 2000

that relates to “Posting on Promotion”, the tenure rule is not applicable in promotion cases and the petitioner having been promoted as an Head Constable as recently as on 27.11.2015, cannot insist on an assured tenure posting of three years.

4. When confronted with the aforesaid position, learned counsel for the petitioner requests that the petitioner’s representation dated 17.05.2016 (Annexure P-4) may be directed to be considered by the respondents.

5. Accordingly, this petition alongwith the pending application is disposed of with directions issued to the respondents to consider the petitioner’s representation dated 17.05.2016 and pass a speaking order thereon within one week from today under written intimation to him.

**HIMA KOHLI, J**

**SUNIL GAUR, J**

**MAY 31, 2016**

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