

\$~4

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

+ W.P.(C) 5362/2016 & C.M. 22362-63/2016

SHIV KUMAR Petitioner

Through: Mr. Ashok Kumar, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Anurag Ahluwalia, CGSC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

01.06.2016

1. The present petition has been filed by the petitioner, who is working on the post of a Constable/ Driver with the CISF, praying *inter alia* for directions to the respondents to retain him at his present place of posting at Delhi and in the alternate, post him at a place that is close to Delhi, so that he is able to attend to his 18 years old son, who is suffering from cerebral palsy and a 100% disability certificate has been issued in his favour.

2. Learned counsel for the petitioner states that earlier hereto in the year 2015, the petitioner had filed a writ petition against his transfer order [W.P.(C) 6155/2015], which was disposed of vide order dated 3rd July, 2015, with directions to the respondents to reconsider his transfer to Punjab in the light of his son's medical condition.

3. Counsel for the respondents states that it is on the basis of the directions issued in the captioned petition that the petitioner's posting was

extended in Delhi by one year and his transfer was deferred. However, the period of one year having expired on 1st April, 2016, the petitioner has to report for posting at 129 Battalion Punjab. It is stated that The Movement Order dated 2nd May, 2016 (*Annexure A-2*) has also been issued to the petitioner.

4. Counsel for the petitioner responds by stating that he has requested the respondents to cancel his transfer order due to his family circumstances and if they are not in a position to cancel his transfer order, then his request for voluntary retirement be acceded to.

5. Learned counsel for the respondents states that the petitioner's request is being processed by the department and it will take atleast four weeks to take a decision thereupon.

6. In view of the aforesaid submission, the present petition and the applications are disposed of with direction issued to the respondents to consider and decide the petitioner's request to either cancel his transfer order and in the alternate, permit him voluntary retirement within four weeks, by passing a speaking order, under written intimation to him. Till the petitioner is communicated the decision taken by the respondents, he will not be relieved from his present place of posting.

7. Copy of this order be given *dasti* to counsel for the parties.

HIMA KOHLI, J

SUNIL GAUR, J

JUNE 01, 2016/r