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

+ W.P.(C) 7312/2016, CM No.30093/2016

L/NK RAY AMIT KUMAR RAM RATTAN Petitioner
Through: Mr.Santosh Kumar, Mr.Anand Kumar,
Advs.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr.Anurag Aluwalia, CGSC with
Ms.Srishti Banerjee and Captain Dhananjay, Advs.
for UOI

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **23.08.2016**

1. In this writ petition, the writ petitioner has *inter alia*, prayed for issuance of a writ of *certiorari* for quashing an order of transfer dated 15th May, 2015, whereby the petitioner has been posted to Headquarters HQ 14 Corps (Ord) located at Leh.
2. The writ petitioner, who was appointed in the Army Ordinance Corps on 2nd March, 2001 and is presently posted at the Delhi Cantonment, is due

to retire on 2nd March, 2018. The petitioner has been posted with the COD, Delhi Cantonment with effect from 23rd July, 2012.

3. It appears that initially the petitioner was posted to 623 EME Battalion near his home. However, it was the petitioner who made a request for a posting to Headquarters 14 HQ Corps (Ord) on financial grounds.

4. The impugned posting order was issued conceding to the request made by the petitioner himself. The petitioner, however, time and again applied for deferment of his movement order. Such request was also allowed.

5. The final movement order, which is dated 14th August, 2016 was apparently handed over to the petitioner through the company on 19th August, 2016. He approached this Court on the contention that as per the policy as enunciated in ROI-M/109/2007, personnel with one to one and a half years of residual service are not normally to be moved on permanent posting. First of all, the provision is directory and not mandatory. In any case, even when the final movement order was served on the petitioner on 19th August, 2016, he had over 1½ years of residual service. Admittedly, the petitioner is due to retire in March, 2018.

6. Furthermore, as observed above, the petitioner has sought quashing of the initial posting order dated 15th May, 2015. The aforesaid order dated 15th May, 2015 was as per his own request.

7. We are of the view that there is absolutely no merit in the writ petition. The writ petition and the application are, therefore, dismissed.

8. Learned counsel appearing on behalf of the petitioner prays that the petitioner be allowed some joining time. The respondent shall allow the petitioner to join within 7 working days from date excluding the journey time.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

**AUGUST 23, 2016
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