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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7622/2016, CM No.31428/2016**
SANTOSH KUMAR PANDEY (HC) Petitioner

Through: Mr. Puneet Verma, Adv.

versus

UNION OF INDIA AND ORS Respondents

Through: Ms. Saahila Lamba, Adv.

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **07.09.2016**

1. This writ petition is directed against the order dated 20th July, 2016 whereby the petitioner has been transferred to a border area in Bengal.
2. The impugned order is resisted by the petitioner on the ground of his critical physical condition. The petitioner has contended that, by reason of a severe nerve disorder, for which the petitioner is undergoing treatment in the All India Institute of Medical Sciences, the petitioner is unable to travel to Siliguri. It is not disputed, that the travel time to Siliguri by train would be, at least, a twenty four (24) hours.
3. On 31st August, 2016, learned counsel appearing for the petitioner submitted, that if the petitioner is granted time of about six months, he might put in, his papers for voluntary retirement on medical grounds. In view of the said submission, learned counsel appearing on behalf of the

respondents sought time to obtain instructions.

4. The concerned Authorities noted that the petitioner had already enjoyed retention in Delhi for over five months, after issuance of his initial transfer order on 13th April, 2016. Nevertheless, a decision was taken that he may be retained in Delhi for another three months, upto 30th November, 2016, provided he tendered notice for voluntary retirement before 30th November, 2016. The decision was subject to the further condition that the petitioner would not withdraw his retirement notice and in case, he withdrew his retirement notice, he would be required to join his place of posting on the day following the date of withdrawal of the notice.

5. The petitioner has been given three months time to apply for voluntary retirement. We are of the view that in exercise of power under Article 226 of the Constitution of India, it is not for us to sit in appeal over the length of time granted to tender papers for voluntary retirement except, of course, in exceptional circumstances, where the time granted is found to be arbitrarily short.

6. Time of three months cannot be said to be arbitrarily short. The petitioner has cited personal grounds, such as, want of help to enable him to find alternative accommodation in Delhi from where he can continue his medical treatment at the All India Institute of Medical Sciences.

7. The case is indeed unfortunate. We, undoubtedly, have every sympathy for the petitioner, for which we also virtually persuaded the respondent authorities to allow the petitioner some time to put in his papers, which the respondent authorities have done.

8. If three months time is not sufficient to find an alternative accommodation in Delhi, perhaps even six months or longer time might not be sufficient. In any case, as observed above, the petitioner cannot claim any vested right to remain in Delhi for any specific period of time, as per his own choice. We have no option, but to reject the writ application with the observation that the petitioner shall not be disturbed from his present place of posting upto 30th November, 2016 to enable him to tender his retirement before 30th November, 2016, subject to the conditions stipulated by the respondents, which have been noted above.

CM No.31428/2016

Dismissed as infructuous.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 07, 2016/ak