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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8687/2016 & CM No. 35702/2016 (for stay)
VEERENDRA KUMAR SINGH Petitioner
Through: Mr.A.K. Trivdei & Mr.Rajiv
Manglik, Advs.

versus

UNION OF INDIA & ORS Respondents
Through: Ms.Barkha Babbar with Ms.Dipanjali
Tyagi, Advs.

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

ORDER
% **05.10.2016**

This writ petition has been filed by the petitioner challenging an order of transfer whereby the petitioner has been posted at Suratgarh.

According to the petitioner, the petitioner is due to retire on 31st July, 2018. There are less than two years for the retirement of the petitioner. The petitioner is entitled to exercise choice of posting as per the compendium of Record of Instructions (ROI), November, 2010.

It appears that after being served with the posting order whereby the

petitioner was transferred to Suratgarh, the petitioner made a representation on 05.08.2016 against the order of transfer. The representation has been rejected on the ground that as per Paragraph 1302 of the Compendium of ROI, November, 2010, application for last leg posting should reach the authority concerned at least six months prior to completion of normal tenure in the post held.

The petitioner was also informed that the time to exercise the option of posting at a place of his choice had expired. Movement orders have already been issued. Diversion of posting at this belated stage would upset the whole chain of postings.

It is not in dispute that the petitioner did not apply for last leg posting within time. The petitioner made his representation on 05.08.2016, long after the order of transfer has been issued and after the normal tenure of the petitioner in the post held by him had expired.

A writ petition lies for violation of a constitutional right, a legal right or may be even an equitable right. Where no application for last leg posting has been made within the time stipulated in the compendium, and till issuance of the transfer order, it cannot be said that any right of the petitioner

has been violated.

Learned counsel appearing on behalf of the petitioner referred to a communication and argued that there was no vacancy at Suratgarh. However, that is not of concern to the petitioner. If the petitioner has been directed to join Suratgarh, he is to join Suratgarh. In any case, it is pointed out by learned counsel appearing on behalf of the respondent-authorities that the communication is not correct. There are two posts of JEEM of which one is lying vacant and the petitioner has been transferred to the said vacant post. We are not inclined to interfere with the impugned order of transfer.

The writ petition is therefore, rejected. The petitioner shall, however, be given seven days time to join his place of posting i.e. Suratgarh.

CM No. 35702/2016 (for stay)

The application is dismissed as infructuous.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

OCTOBER 05, 2016

gm

