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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9226/2016, CM No. 37305/2016**

SUBEDAR MAJOR MANJUNATHA Petitioner
Through: Mr.Janakraj Rana, Adv.

versus

UNION OF INDIA & ORS. Respondents
Through: Mr.Ankur Chhibber, Adv.

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

ORDER
% **05.10.2016**

1. The petitioner, a Junior Engineer posted with Garrison Engineer (East) Mathura, has filed this writ petition, *inter alia*, for cancellation of an order dated 19th January, 2016, whereby the petitioner has been posted to Tughlakabad near Delhi.
2. It is not in dispute that the services of the petitioner are transferable. Cancellation of the impugned transfer order has been sought on the ground of importance and heavy responsibilities of the work in the post presently held by the petitioner. The petitioner contends that work at Mathura is likely to be adversely affected by the transfer of the petitioner.

3. There is no reason to suppose that no other officer will be able to discharge efficiently the duties and responsibilities now discharged by the petitioner at Mathura. The contentions are based on the petitioner's own assessment of his work and his competence for the kind of work required to be done at Mathura, where the petitioner is presently posted.

4. The second ground urged by the petitioner is that the petitioner's wife is in an advanced stage of pregnancy and medical treatment is going on at Mathura. The medical facilities in Delhi cannot possibly be inferior to the medical facilities available in Mathura. Importance or responsibilities of work at the place of posting cannot also be a ground to resist transfer. The transfer order is dated 19th January, 2016 and the petitioner was supposed to join his transferred post within 22nd January, 2016. The petitioner has duly been accommodated.

5. For the reasons discussed above, we do not propose to interfere with the impugned order of transfer.

6. It is submitted that the petitioner's wife is not in a position to move. Shifting the petitioner's wife may involve risk to the life of the

petitioner's wife, who is undergoing treatment in Mathura as well as the unborn child.

7. We, accordingly, direct that having regard to the special facts and circumstances of the case and in particular, the delicate condition of the petitioner's wife and the risk involved in shifting her to Delhi immediately, the petitioner shall be allowed joining time till 7 days after 31st October, 2016, that is 7th November, 2016.

Copy of this order be given dasti to both the parties under the signatures of the Court Master.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

**OCTOBER 05, 2016
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