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

+ W.P.(C) 11154/2016 & CM No.43635/2016 (stay)

GHANSHYAM SINGH UIKEY Petitioner
Through Mr.P.Sureshan, Adv.

versus

UNION OF INDIA AND ANR Respondents
Through Ms.Sangita Rai, SCGSC with
Mr.Pradeep Singh Tomar, Adv.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **01.12.2016**

Issue notice. Ms.Sangita Rai, SCGSC accepts notice on behalf of respondents.

This writ petition is directed against the order of transfer dated 17th November, 2016 whereby the petitioner has been transferred from his present posting at Indira Gandhi International Airport, New Delhi to the Piparwar Unit of CISF in the State of Jharkhand. Transfer of CISF personnel is governed by the guidelines circulated on 5th February, 2012, Paragraph 13 whereof provides as follows:

“XIII)NGOs will be permitted an extension in his/her present unit for one year if his/her ward is studying in 10th or 12th Class in the current academic year. He/She will not be given extension in the next year on the ground of 2nd ward/wards studying in 10th or 12th Class in the subsequent year. This policy is applicable only for two living children and can be availed

once for one child's education. However, if there are operational and administrative considerations, these facilities would be curtailed."

As per the guidelines, extension of one year may be allowed to personnel not having more than two children in case one of the children is studying in Class X or in Class XII. The benefit can be availed only once, and for one child only. The benefit cannot be given in the case of second child.

Admittedly, petitioner earlier made a representation to defer his movement in view of the fact that his second daughter was in the Class X. He cannot seek further extension on the ground that the other child is in Class XII. However, the transfer order should have been issued at the end of the academic term. In this case, the movement order impugned has been issued well past the mid term just before commencement of the Board Examination, which one of his children is due to take. There was no reason why the movement order could not be issued in March or in April at the beginning of the academic session/term.

Even though, the rules do not specifically provide that transfers should only be effected at the end of the academic session, a perusal of the rules and in particular the inclusion of paragraph 13 indicates that it is the policy not to disturb the education of children. Transfer, unless exigencies demand otherwise, should ordinarily be affected at the time of commencement of the academic session to enable the personnel to relocate their children.

Considering that the petitioner's first daughter is appearing for the Class XII Board examination in March, 2017 and the order impugned has been issued in November, 2016, and no exigency for immediate transfer has

been disclosed, we direct that the order impugned may be kept in abeyance till the Board examinations are over in March 2017. It is made clear that as soon as the Board Examinations are over, within three days, the petitioner shall report to the place to which he has been posted and in no circumstances shall any further representation if any, filed by the petitioner, against the order of transfer, be entertained.

The writ petition and pending application are disposed off.

Dasti.

INDIRA BANERJEE, J

SANJEEV SACHDEVA, J

DECEMBER 01, 2016/vp