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

+ W.P.(C) 11770/2016

BABU RAM Petitioner

Through Mr. R.K. Shukla, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through Mr. Ankur Chhibber, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **20.12.2016**

In this writ petition, the writ petitioner, a Head Constable in the Indo Tibetan Border Police Force, has questioned his transfer from the 22nd Battalion at Tigri Camp to the 44th Battalion at Belgaon, in Karnataka.

It appears that the petitioner made a representation against the transfer on the purported ground of treatment of the wife of the petitioner for infertility. It is, however, not in dispute that the petitioner has two school going children; one in Class IV and the other in Kindergarten. For reasons best known to the authorities is of the Indo Tibetan Border Police Force, they accepted the representation of the petitioner and kept the transfer in abeyance till 31.10.2016. The transfer is now resisted by the petitioner on the purported ground that it will adversely affect the education of his school

going children, one of whom, as stated herein above is in Class IV, and the other in the Kindergarten.

May be, as a matter of policy, transfers are usually made at the end of an academic session and/or the beginning of an academic session, and not in the middle of any academic session unless exigencies require mid-session transfer. In this case, however, the petitioner himself sought deferment of his order of transfer for six months on the purported ground of his wife's medical treatment for infertility. Having done so, it is not open to the petitioner to again resist the transfer on the purported ground that the transfer should be affected at the end of the academic session of his school going children. It is not in dispute that the services of the petitioner are transferable. Even assuming that, as a matter of policy, transfers are affected before the commencement of an academic session, such practice does not confer any vested right in any member of the force to insist that transfers only take place at the end of the academic session/before commencement of an academic session and certainly not when an order of transfer has been kept in abeyance at the his own request.

We find no reason at all to interfere with the transfer. The petitioner shall join the post to which the petitioner has been transferred, forthwith, and in any case within a fortnight from date.

The writ petition is dismissed.

CM No. 46442/2016 (stay)

Dismissed as in fructuous.

Dasti.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

DECEMBER 20, 2016

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