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

+ W.P.(C) 12107/2016

OM PRAKASH MEENA Petitioner
Through Mr.U.Srivastava and Mr.K.K.
Prasad, Advs.

versus

UNION OF INDIA & ORS Respondents
Through Mr.Manish Mohan, CGSC with
Mr.Shivam Chanana & Ms.Manisha
Saroja, Advs.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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22.12.2016

CM No.47774/2016 (exemption)

Exemption is allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 12107/2016 & CM No.47773/2016 (stay)

The petitioner is a Constable in Central Industrial Security Force. The petitioner apparently met with an accident on 1st November, 2015 as a result of which his right elbow got fractured. The petitioner was operated at BHRC Indore. According to the petitioner, the operation was not successful and the petitioner was advised another operation. On or about 21st April, 2016, the petitioner made a request for transfer on medical grounds so that he could remain with his parents at the time of the operation.

The request of the petitioner was granted and petitioner was posted at the CISF Unit of Delhi Metro Rail Corporation. On or about 4th August, 2016 the petitioner was requested to explain why he had not, in his request for posting, mentioned the fact that his wife was also a member of CISF posted at the CISF Unit at Mumbai. The petitioner's wife had also applied for the posting in the same place as the petitioner as per the policy relating to couples. The petitioner apparently submitted his explanation on 13th August, 2016.

On 6th October, 2016, the respondent issued an order of inter line transfer of the petitioner, within the Delhi Region. The petitioner again requested for extension of outliving permission. However, on 16th November, 2016 an order was issued cancelling the outliving permission upon expiry of tenure on 8th November, 2016. On 7th December, 2016 the petitioner came to know on the basis of certain telephonic instructions that an order of transfer had been issued transferring the petitioner from Delhi to RHPP Pipri. According to the petitioner he is still under continuous medical supervision.

It is not in dispute that the services of the petitioner are transferable. The transfer which appears to be routine does not call for any interference. A transfer order does not necessarily have to indicate the exigency for which a member is transferred from one post to another post. Tenures are directory and variable. This Court in exercise of its power under Article 226 of the Constitution of India does not sit in appeal against an administrative order of transfer issued by the Departmental Authorities where services are transferable. The transfer of the petitioner is neither penal nor any allegation of malafide is made out against the respondents.

The writ petition and the pending application are dismissed. Counsel for the petitioner submits that the petitioner might be given six months time to join his duty. It is not for this Court to extend the joining time given to the members of the Force. The petitioner shall join the post within a week from the date of this order. This order shall, however, not prevent the petitioner from making a representation to the concerned authorities. Any representation made may be considered in accordance with the law.

Copy of the order be given *dasti* under the signatures of the Court Master.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

DECEMBER 22, 2016/vp