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

+ W.P.(C) 7569/2015

CT (GD) BANWARI SINGH Petitioner

Represented by: Petitioner in person

versus

UOI AND ORS Respondents

Represented by: Mr.Vikram Jetly, Advocate with
Mr.Arvind Sharma, Dy.Commandant,
Law (BSF)

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **25.07.2016**

1. We have heard the petitioner in person as also learned counsel for the respondent.
2. Though it may be unintentional, but the respondent is responsible for putting the petitioner in a messy situation and thus we are granting relief to the petitioner. The petitioner was deployed in Jaisalmer and on June 11, 2015 he was transferred to Delhi. The petitioner submitted a representation that since his son was a student of Class X in a school in Jaisalmer his transfer to Delhi should be cancelled so that his son could take the Board Examination to be held in March, 2016 without any disruption. The petitioner sought an interview with the superior officers. He heard nothing. The department started pressing the petitioner to report to Delhi.

3. The petitioner withdrew his son from the Kendriya Vidyalaya at Jaisalmer. His another son was studying in Tekanpur, Madhya Pradesh. He was a student of Class XI. Petitioner even withdrew said son. The obvious reason was that both children would study at Delhi.
4. The petitioner got his younger son admitted at Kendriya Vidyalaya in Delhi. He could not manage admission for his elder son in Delhi. He managed admission for his son in the hometown. Soon thereafter the petitioner was served with a movement order dated August 05, 2015 retransferring him to Jaisalmer. The petitioner approached this Court pointing out that it would be impossible for him to get his son admitted in Jaisalmer. On August 11, 2015 while issuing in the writ petition the order transferring petitioner back to Jaisalmer was stayed. The respondents thereafter took time after time to file the counter affidavit. One has been filed.
5. Aforenoted facts have not been denied in the counter affidavit. It is simply stated that if the petitioner was transferred to Delhi it was realized that one hand was short in Jaisalmer and therefore the petitioner was transferred back.
6. Now, the shortage of one hand has been made good by the respondents; apparent from the fact that for one year the petitioner has a stay in his favour and the respondents have managed.
7. The younger son of the petitioner is now a student of Class XI. He would be taking the ensuing exam to be held in March, 2017.
8. This is our reason to quash the order dated August 05, 2015. The respondent would be free to transfer the petitioner to any place they want after petitioner's younger son takes the Class XI Examination.
9. No costs.

CM No.14540/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 25, 2016

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