

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.7854 OF 2017**

**DATED :23.03.2017**

Between :

Lt.Col Santosh Vincent, S/o.Vincent Mathew,  
Aged 42 yrs, Senior Security Officer,  
Centre for High Energy Systems & Sciences,  
Hyderabad A-603, Raheja Vistas,  
Road No.12, IDA Nacharam, Hyderabad.

..  
Petitioner

And

Union of India,  
Rep., by Secretary,  
Department of Defence,  
Govt. of India, South Block,  
DHQPO, New Delhi -110 011 & others.

..  
Respondents



This court made the following :

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**ORDER :**

Heard.

2. Petitioner earlier worked at Indo-Tibetan Border. He was transferred to Hyderabad and joined in Hyderabad on 01.04.2016. While so, by order dated 03.03.2017 impugned in the writ petition, petitioner was moved out of Hyderabad and posted to "YOL", in the State of Himachal Pradesh. During the pendency of the writ petition, the earlier order of posting to "YOL" was slightly modified to that of a different office in the same place. However, this was not given effect to.

3. When the matter was taken up for consideration, on 06.03.2017 a direction was issued by this Court not to relieve the petitioner till 08.03.2017 and adjourned the case to 07.03.2017 to enable the Learned Assistant Solicitor General, to obtain instructions.

4. Learned counsel for the petitioner contends that against transfer of the petitioner, he has raised a grievance and such grievance is yet to be considered. Having regard to the grievance raised by the petitioner, learned counsel representing the learned Assistant Solicitor General requested one week time to report to the Court the decision taken on the grievance raised by the petitioner. While granting time as requested, interim order granted earlier was continued.

5. Since orders were not passed till 14.03.2017 the direction issued on 06.03.2017 continued. While so, on reconsideration of the entire issue, orders are passed on 10.03.2017 and the earlier order was modified and petitioner is now retained in Hyderabad, however, presently posted to Head Quarters, 54 Infantry Division, instead of earlier place and petitioner is now willing to join.

6. The only grievance contended by learned counsel for the petitioner is that the present order does not mention the tenure of the petitioner and there is every possibility of petitioner being disturbed, even before his tenure is completed. According to learned counsel normally the tenure is for three years. Whereas petitioner has not even completed one year of posting in Hyderabad.

7. The order does not give an impression as contended by learned counsel for the petitioner that the petitioner would be disturbed immediately, even though petitioner is accommodated in Hyderabad. However, it is open to the petitioner to ventilate his grievance and request the competent authority for retention in Hyderabad until he completes normal tenure period. It is needless to observe as and when such grievance is raised, it is open to the competent authority to clarify on the issue of tenure of the petitioner as a consequence to the modified order.

8. In view of the subsequent developments of retaining the petitioner in Hyderabad, the substantive grievance of the petitioner is now resolved and no further orders are required to be passed in the writ petition.

9. With the above observations, the writ petition is disposed of.  
There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition  
shall stand closed.

**P.NAVEEN RAO,J**

23<sup>rd</sup> March, 2017  
Rds

