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

+ **W.P.(C) 60/2017**

S RAVICHANDRAN

..... Petitioner

Through **Mr. C.R.Jaya Sukin, Advocate**

versus

UNION OF INDIA AND ORS

..... Respondents

Through **Mr. Arun Bhardwaj, CGSC with Mr.
Mimansak Bhardwaj, Advocates with
Mr. Arvind Sharma, Law officer.**

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

%

04.01.2017

CM No. 347/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 60/2017 & CM No. 346/2017 (stay)

In this writ petition, the petitioner an Assistant Commander in Border Security Force a personnel posted at Delhi has challenged an order of transfer whereby the petitioner has been transferred to Teliamur, Tripura after cancellation of his earlier posting on repatriation from National Security Guard, SHQ, Malda.

It is not in dispute that the petitioner has been in Delhi for the last 8 years. Under Section 7 of the Border Security Force Act, every member of the Border Security Force shall be liable to serve in any part of India as well as outside India. No member of the Border Security Force, whatever be his caste, whether he belongs to the Scheduled Castes and Tribes or any other caste or for that any other matter, any religion, can insist upon posting in any particular place. The petitioner has made totally vague allegations of harassment, atrocities and inhuman treatment to the petitioner which are wholly devoid of any particulars whatsoever.

The petitioner knowingly accepted service which was transferable. Transfer cannot be resisted on the ground of children's education or on the ground of health problems of a family member. It is not the case of the petitioner in the writ petition that the health condition of any member of the petitioner's family is such that treatment for the same is not available anywhere except in New Delhi.

On the other hand, on behalf of the respondent authorities, it is

submitted that the earlier repatriation order to Malda has been changed on the representation of the petitioner and the petitioner has been posted in Tripura, as the petitioner will be entitled to retain his accommodation in Delhi. Since the petitioner can retain his accommodation in Delhi, his children can pursue their education.

It is not for the High Court exercising its extra ordinary original jurisdiction under Article 226 of the Constitution of India to sit in appeal over orders of transfer. It is only in exceptional cases of penal transfer and/or malafides that the High Court interferes with orders of transfer. There are no cogent grounds for interference in this case.

The writ petition is not entertained and the same is dismissed.

Dasti.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

JANUARY 04, 2017

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