

\$~29

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

+ W.P.(C) 5872/2016 & CM No.24179/2016 (stay)

KISHAN KUMAR ..... Petitioner  
Through Mr.Rakesh Dahiya, Adv.

versus

UNION OF INDIA & ORS ..... Respondents  
Through Mr.Ripu Daman Bhardwaj, CGSC  
with Mr.T.P. Singh, Adv. along with  
Mr.Arbind Sharma, LO-BSF.

**CORAM:**

**HON'BLE MS. JUSTICE INDIRA BANERJEE**

**HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA**

**ORDER**

% **30.03.2017**

In this writ petition, the petitioner has challenged an order of movement inter alia on the ground that the movement is in contravention of BSF (Tenure of Posting and Deputation) Rules 2000.

Counsel appearing on behalf of the petitioner submits that tenure has been defined in Rule 2 (g) of the said Rules to mean the period specified for service in a unit/institution/establishment of the force.

Static formation has been defined in Rule 2 (h) to mean the institution/establishment/unit, which are static and declared static. Rule 5(1) provides that posting to static formation shall be for a period of three years only and thereafter, the members of the force shall revert to his parent department. In the case however, of members of the force belonging to the ministerial cadre, the tenure is to be four years.

We need not go into the issue whether the aforesaid rule is mandatory or directory. We find that the petitioner was posted to a static location on 23<sup>rd</sup> May, 2014. He would be completing three years on 24<sup>th</sup> May, 2017. The writ petition is disposed of by directing the respondent to keep the impugned movement order in abeyance for a period of two months so far as it relates to the petitioner. It is made clear that on the expiry of his tenure, the petitioner shall be moved to any location, to which he might be posted. This order is passed without prejudice to the rights and contention of the respective parties.

The writ petition is disposed of.

**INDIRA BANERJEE, J**

**ANIL KUMAR CHAWLA, J**

**MARCH 30, 2017/vp**