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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5522/2017 & CM No.23234/2017 (for stay)**
SUB MAJ / SKT SANOJ KUMAR Petitioner
Through: Mr.Virender Singh Kadian, Advocate.
versus
UNION OF INDIA & ORS Respondents
Through: Dr.Ashwani Bharadwaj, Advocate.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
30.10.2017

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1. The present petition has been filed by the petitioner praying *inter alia* for quashing/setting aside the posting order dated 22.10.2016 posting him from the Garrison Engineer, Subroto Park to 237, Engineering Regiment at Tejpur and for permitting him to complete his tenure at the present unit till his superannuation.
2. Learned counsel for the petitioner states that the petitioner shall superannuate on 31.05.2018 i.e. seven months down the line and in the last one month, he has to report to STB(D) BEG & C, Roorkee on 02.05.2018 for the final discharge drill. In other words, as per the learned counsel, the posting of the petitioner for a limited period of six months before his superannuation would be to his detriment. He further states that, as on date, the petitioner has accumulated leave for a period of two months for the year 2017 and leave for a period of three months would accrue to him for the year 2018. He, thus, submits that in all, he would have an accumulated leave of five months, before his superannuation. He prays that the said factor may

also be taken into consideration for his request for a last leg posting, in his present place of posting i.e. at Delhi.

3. Learned counsel for the petitioner additionally stated that a perusal of the letter dated 20.04.2017 addressed by the Commanding Officer of the receiving unit of the petitioner, clearly shows that a request had been made by him for cancellation of the petitioner's posting and for providing a suitable JCO/SKT having a normal tenure of three years, to the receiving unit at the earliest.

4. The counter affidavit in opposition to the present petition has been filed by the respondents wherein it has been averred that, in the instant case, the petitioner has served with GE(AF), Subroto Park since 07.02.2015 and at the time of issuance of his posting order, the petitioner had almost 18 months of tenure service. It has been also stated that the petitioner had completed almost three years period at Delhi on the date of issuance of the posting order. It is in this background that the petitioner's request for a last leg posting was turned down by the order dated 12.05.2017 (Annexure P-9).

5. Having regard to the aforesaid facts and circumstances and the subsequent events which show that only seven months are left for the petitioner to superannuate, we deem it appropriate to allow the present petition by quashing/setting aside the impugned posting order dated 26.10.2016 and permitting the petitioner to complete his service in his present unit at Delhi, till he superannuates on 31.05.2017.

6. The petition as well as application are disposed of in the above terms.
7. It is however, clarified that while passing the aforesaid order, this Court has not expressed any opinion on the legal issues raised by the petitioner, which are left open for adjudication in an appropriate case.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 30, 2017

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