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

+ **W.P.(C) 5707/2017**

MOHANAN

..... Petitioner

Through Mr. V.V.R. Rao, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Through Mr. Jaswinder Singh, CGSC alongwith

Mr. Devender Singh, AC-CISF.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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11.07.2017

The petitioner impugns the order of transfer from Red Fort, Delhi to NLC Neyveli, Chennai dated 23rd January, 2017 in this writ petition, which was filed on 7th July, 2017.

2. It is apparent that there is substantial delay in challenging the transfer order.
3. The writ petition is silent and it does not indicate and state since when the petitioner has been in Delhi/Delhi Region. The Number of years spent in Delhi and the said region is not stated. On an oral query, it is stated that the petitioner has been in Delhi for last seven years.
4. Counsel for the respondents, who appears on advance notice, submits that the petitioner has spent nearly eleven years in Delhi zone. As per the policy, maximum number of years in Delhi zone should not exceed ten years. Thus, the transfer was justified.
5. The petitioner has filed some papers with regard to his medical condition and treatment for backache. On being asked, counsel for the

petitioner states that first medical paper/prescription is dated 31st March, 2017, which is nearly two months after the transfer order dated 23rd January, 2017 was passed. Counsel for the respondents has submitted that Medical Board had examined the petitioner and opined that he was/is in Shape-I.

6. The petitioner's wife, who is an employee of the Delhi Government, it is stated, suffers from severe backache/slip disc. The mother, it is stated, is 79 years of age. We do not think these two factors or reasons would justify issue of notice and stay of transfer.

7. The order of transfer, which is routine and not stigmatic and in terms of the policy, does not require interference.

8. The petitioner has also prayed for payment of his salary, which possibly has not been paid as he has not joined the transfer posting. Learned counsel for the respondents states that the issue of salary, as payable under the Rules, would be examined and the petitioner informed within a period of four weeks. In case no arrears are payable or any formalities are required to be completed, the petitioner would be informed within a period of four weeks. In case payment is to be made, the same would be paid within the same period. In case of an adverse order, it will be open to the petitioner to question and challenge the same in accordance with law.

9. With the aforesaid directions, the writ petition is disposed of, without any order as to costs.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

JULY 11, 2017
VKR