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

+ **W.P.(C) 6871/2017**

SEP SHAYAID MOHAMMAD JAVED Petitioner
Through **Ms. Archana Ramesh, Advocate.**

versus

UNION OF INDIA & ORS. Respondent
Through **Mr. Kamal Kant Jha, Advocate.**

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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11.08.2017

The petitioner, who is a Sepoy in the Indian Army, has to abide by the discipline and rules & regulations prescribed and applicable to the Army.

It is stated by the respondents, who appear on advance notice, that the petitioner who was posted in Delhi in 2013 was due for transfer posting in 2016, but on his request, his tenure in Delhi was extended by a period of one year.

The petitioner has now been posted to Ahmedabad keeping in view the administrative mandate and exigencies of service.

The petitioner has prayed for stay and quashing of the posting order on the ground that he has got married and his wife belongs to a different religion. He apprehends that there would be protest or even violence by his or spouse's family members. Another assertion made is that the petitioner's wife is undergoing medical treatment.

However, details thereof are not stated.

We have considered the said contentions, but do not find that they are good and valid justification to stay or quash the transfer order. If required and necessary, the Delhi Police would examine the threat perception and provide necessary protection to the petitioner's wife.

The petitioners' wife works in the Delhi Government. Hence, she cannot be transferred out of Delhi.

The contention of the petitioner that he should not be posted out of Delhi because his spouse is working in Delhi is as acceptable in the facts of the present case, as the petitioner is a Sepoy working in the Indian Army and must abide by their rules and regulations.

In view of the above, we do not find any merit in the present writ petition and the same is dismissed.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

AUGUST 11, 2017
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