

\$~20 (14.8.2017)

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

+ **W.P.(C) 6932/2017**

SURESH KUMAR

..... Petitioner

Through: Dr.S.S.Hooda, Adv.

versus

DIRECTOR GENERAL B S F AND ANR Respondents

Through: Mr.Vivek Goyal, CGSC for UOI

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **16.08.2017**

CM 28792/2017

Exemption allowed subject to all just exceptions.

WP(C) 6932/2017

The matter has been taken up today as 14th August, 2017 was declared a holiday on account of 'Janamashtami'.

Learned counsel for the petitioner submits that the petitioner has been orally informed about the movement order from Delhi pursuant to his promotion as Inspector.

Learned counsel for the petitioner has drawn our attention to paragraph 9 of the Border Security Force (Tenure of Condition & Deputation) Rules, 2000 and submits that the 1st proviso would be applicable. Learned counsel for the respondents submits that the conditions mentioned in the 2nd proviso must also be satisfied for the 1st proviso to apply. The conditions mentioned in the 2nd proviso stipulates that the rule would apply to the Members of the Force who are promoted to a post which also exists in a Battalion.

Learned counsel for the petitioner submits that he is not aware whether the conditions of 2nd Proviso are satisfied.

During the course of hearing, learned counsel for the petitioner submits that a representation has been made, which is pending and has not been disposed of. It is also stated that the formal or written orders of posting /movement order have not been received.

This being the position, we feel that the writ petition appears to be premature and is disposed of with the direction that in case the representation of the petitioner is rejected and a transfer order is issued, the petitioner would be granted 15 days time to enable him to take appropriate remedies, if he so desires.

Learned counsel for the petitioner also submits that he has just 20 months to retire and has been advised to undergo surgery at Safarjung Hospital, which is fixed on 13th September, 2017. The said aspect may also be considered by the respondents.

SANJIV KHANNA, J

NAVIN CHAWLA, J

AUGUST 16, 2017
RN