

\$~44.

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

+ W.P.(C) 7632/2017

SUDHRI KUMAR

..... Petitioner

Through Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. Ripu Daman Bhardwaj, CGSC and
Mr. Sahaj Garg, Advocate for respondent Nos. 1 to
3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

30.08.2017

%

The petitioner had earlier approached this Court vide Writ Petition (C) No. 8182/2016 on account of his wife's IVF treatment at Noida. The movement/transfer order dated 16th July, 2016 was directed to be kept in abeyance for six months vide order dated 16th September, 2016. The Court had forewarned the petitioner that the abeyance would not be extended. It was made clear that after six months the petitioner would not resist any order of transfer. The intention of the Court being that no further indulgence and prayer would be entertained.

2. The petitioner's wife, however, had given premature births and the twin babies did not survive having breathed their last on 1st April, 2017.

3. The respondents taking into consideration the aforesaid facets were considerate and did not issue movement order on expiry of six months. The

petitioner and his wife have remained at Delhi for about one year.

4. The respondents have now issued movement order dated 27th June, 2017, which the petitioner has impugned in the present writ petition with the prayer that the petitioner's present posting should be extended till 30th December, 2017. While we do sympathise with the petitioner and his wife, *albeit* cannot extend the stay/posting of the petitioner at Delhi till 30th December, 2017. The petitioner is a member of a disciplined force and has to abide by the rules. He has been in Delhi for last four years. More than four months have lapsed since the premature birth and loss on 1st April, 2017.

5. At this stage, counsel for the petitioner submits that sometime may be granted to the petitioner to join the new place of posting as the petitioner and his wife have been under tremendous mental stress.

6. Keeping in view the aforesaid facts, we dispose of the present writ petition observing that the petitioner would comply with the posting/movement order within a period of fifteen days from today. We have passed the aforesaid direction without awaiting for the counter affidavit or response from the respondents as a very limited and a short issue arises for consideration and issue of notice for instructions would have itself delayed the matter. No order as to costs.

Dasti under signature of the Court Master.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

AUGUST 30, 2017
VKR