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

+ W.P.(C) 11296/2017 & CM No.46154/2017 (for stay)

COL. SANJIVE SINGH

..... Petitioner

Through

Mr.Ajai Bhalla, Adv. with Mr.Satya
Saharawat, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through

Mr.Anurag Ahluwalia, CGSC with
Mr.Charitarth Bharti, Adv. &
Ms.Tejaswita, Adv. for UOI.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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21.12.2017

1. The petitioner who is serving in the Indian Army on the post of Colonel, has filed the present petition seeking *inter alia* for quashment of his posting order dated 1st September, 2017 posting him from Srinagar to Alwar. Further, the petitioner has assailed the Signal dated 29th November, 2017 whereby the respondents have declined his request for changing his place of posting from HQ 375 Comp Arty Bde to Delhi, on the ground that the said request cannot be acceded to due to organizational constraints and have further directed him to move in accordance with the posting order dated 1st September, 2017.

2. Learned counsel for the petitioner submits that the petitioner has made

a request for a last leg tenure posting preferably at Delhi on the ground that he shall superannuate on 31st December, 2019 and was, therefore, entitled to a last leg tenure posting of his choice. He submits that though his representation was duly recommended by the Brigade Commandant, Seventh Sector, Rashtriya Rifles to the respondent no.3 through proper channel, it has been rejected without any valid reason.

3. On 18th December, 2017, when the present petition was listed, Mr.Ahluwalia, learned Central Government Standing Counsel sought time to obtain instructions from the Department. Thereafter, the matter was adjourned to 20th December, 2017. On 20th December, 2017, learned counsel for the respondents had stated on instructions that it was not feasible to accede to the request of the petitioner for cancelling his posting from Srinagar to Alwar or post him to Delhi on the ground that the petitioner having completed a tenure of more than 48 months in Delhi/NCR and having availed Study Leave in Delhi for a period of two years from 14th July, 2013 to 31st May, 2015, there was a six year re-posting ban in terms of the Delhi/NCR Posting Policy on 21st June, 2011. In that view of the matter, learned counsel for the petitioner had prayed that the respondent may be directed to consider if some other place of field posting in Srinagar could be offered to the petitioner to enable him to retain the family quarters allotted to him.

4. Today, Mr.Ahluwalia, learned counsel for the respondents, submits that the issue has been reconsidered in the light of the submissions made by counsel for the petitioner on the last date of hearing and, in principle, the competent authority has approved the posting of the petitioner to a similar

appointment in field in J & K. Learned counsel hands over a copy of the e-mail dated 21st December, 2017 addressed by the Legal Department to him which is taken on record.

5. Learned counsel for the petitioner states that the petitioner is satisfied with the aforesaid offer and is willing to accept the same.

6. Accordingly, the present petition is disposed of along with the pending application, by quashing and setting aside the impugned orders dated 1st September, 2017 and 29th November, 2017, with directions to the respondents to issue a fresh posting order to the petitioner in field in J & K, to enable him to retain the family quarters at Delhi.

7. A copy of this order shall be given DASTI under the signatures of the Court Master for making necessary compliance.

HIMA KOHLI, J

REKHA PALLI, J

DECEMBER 21, 2017/aa