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

+ W.P.(C) 2126/2018 & CM No.8816/2018

ZAKARIA AHMED Petitioner

Through: Mr.Sahid Uddn Ahmed, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr.Chiranjeev Kumar & Mr.Mukesh
Sachdeva, Advocates for UOI/R-1
with Mr.Vivek Kr.Singh, Law Officer

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **23.04.2018**

1. On the last date of hearing, learned counsel for the respondents was directed to obtain instructions from the respondents as to whether the petitioner could be considered for being moved to an appropriate posting connected with sports, at any other location excluding Delhi/NCR Delhi/Haryana/Punjab.

2. Today, learned counsel for the respondents states that he has obtained instructions to the effect that as on date, there is no vacant post connected with sports where the petitioner can be moved, excluding Delhi NCR/Delhi/Haryana, the areas mentioned in the order dated 07.03.2018. However, as and when a vacancy arises, the petitioner can be considered for being posted there.

3. Learned counsel for the petitioner draws the attention of the court to the order dated 18.08.2017, passed in W.P.(C) 1851/2017, in an earlier petition filed by the petitioner impugning his movement order dated 17.02.2017, whereunder he was directed to report to the 176 Battalion, at LoC in the State of Jammu & Kashmir.

4. Vide order dated 18.08.2017 passed in the above petition, it was noted that the petitioner had remained in Delhi for the past 20 years. Taking note of the submissions made by the learned counsel for the respondents that the petitioner had not done any course or diploma in coaching and four coaches were considered sufficient in the Central Athletic Team, this court had expressed a view that the movement order of the petitioner did not require any interference as it was passed keeping in view the administrative exigency and to utilise his services. At that point, learned counsel for the petitioner had drawn the attention of the Division Bench to an OM dated 26.07.2012, that states that as far as possible, services of the sportspersons should be utilised for sports related activities, after their active sports career is over, in either coaching or other technical area. Taking note of the contents of the aforesaid OM, the respondents were directed that the same shall be kept in mind and as and when there is a suitable vacancy/post, where the services of the petitioner could be utilized, he should be so considered. However, the writ petition was dismissed.

5. In this petition, the petitioner has impugned his movement order dated 01.03.2018, issued pursuant to the earlier order dated 17.02.2017, directing him to report for duty to the 176th Battalion, CRPF at Srinagar (J&K).

6. In view of the submissions made by learned counsel for the respondents as recorded above and taking note of the fact that the petitioner was not inducted in the Force in the 'sports' category but was inducted in 'General Duty', we are of the opinion that the respondents were required to utilize the services of the petitioner as per the administrative exigency.

7. We decline to entertain the present petition which is accordingly dismissed, along with the pending application.

HIMA KOHLI, J.

PRATIBHA RANI, J.

APRIL 23, 2018

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