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

+ W.P.(C) 8818/2018 & C.M.Nos.33905/2018 (stay), 36159/2018  
(direction)

LT COL B B MOHANTY

..... Petitioner

Through Mr.Indrasen Singh with Mr.Abhishek  
Singh, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through Mr.Sanjeev Narula, CGSC with  
Mr.Rajat Gava, Adv, Mr.MK. Bhardwaj, G.P &  
Lt.Col. P. Kumar, AMS.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

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**12.09.2018**

1. The petitioner is aggrieved by orders dated 11.07.2018 and 31.07.2018 posting him to Secunderabad.

2. On 23.08.2018, learned counsel for the respondents had stated, on instructions that based on the petitioner's second request, his interview with the Military Secretariat Branch (hereinafter referred to as 'MS Branch') was likely to take place in the next week which fact was confirmed by learned counsel for the petitioner, who had therefore sought an adjournment to await the outcome of the interview. Accordingly, the matter was adjourned to 05.09.2018.

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3. On 05.09.2018, Mr.Narula, learned CGSC had handed over a copy of the minutes of the interview of the petitioner with the MS Officer dated 31.08.2018 whereunder, his request for reconsideration his posting at Bengaluru had been regretted and he was directed to proceed to Secunderabad, as already ordered. The said minutes took note of the submissions made by the petitioner with regard to the medical treatment of his wife and his children's education as also the vacancies at Bengaluru and thereafter declined his request for being posted to Bengaluru.

4. At that stage, counsel for the petitioner had stated that the respondents be directed to consider granting the petitioner a period of six months ending on 31.03.2019, for being retained at his present post of posting at Belgaum, where his family accommodation is not available, so that alternate arrangements could be made in that duration. Accordingly, at the request of the learned counsel for the petitioner, directions were issued to learned counsel for the respondents on 05.09.2018, to obtain instructions from the Department.

5. Today, Mr.Narula, hands over a copy of the letter dated 11.09.2018 received by him from the MS Branch stating *inter alia* that the request of the petitioner could not be accepted as grant of extension of six months to him at Bengluru will reduce the minimum viable two years' last lag tenure not only of the petitioner, but also of another officer (Lt. Cl. Songde LS) who is to replace the petitioner at Belgaum. It is further stated that in view of various commitments and

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requirements of officers in the last year of retirement, the posting of an officer to an appointment with less than 18 months left for retiring is not considered organisationally viable. The said letter is taken on record.

6. In view of the aforesaid explanation offered on behalf of the respondents, we do not deem it appropriate to interfere in the impugned posting order issued to the petitioner.

7. The present petition is dismissed alongwith pending applications.

**HIMA KOHLI, J**

**REKHA PALLI, J**

**SEPTEMBER 12, 2018**

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