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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9139/2018 & C.M. Nos./2018 Nos.35243-44/2018 (for exemption), 35242/2018 (for stay)

NIKKI KUMARI Petitioner

Through: Mr.P. Sureshan, Adv.

versus

DIRECTOR GENERAL & ORS Respondents

Through: Mr.Sumit Agarwal, proxy counsel for
Mr.Chiranjeev Kumar, Adv. for R-1
to 3 along with Mr.G.C. Kundu,
AC/CISF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.08.2018

1. The present petition has been filed by the petitioner praying *inter alia* for setting aside a movement order dated 21.08.2018, whereunder, she has been directed to report to the CISF unit at KHSTPP, Kahalgaon, Bihar by positing out her from CISF Unit, DMRC, Delhi.

2. A perusal of the averments made in the writ petition reveals that the petitioner was appointed as a Lady Constable (GD) with the respondents/CISF on 16.11.2009 and after undergoing the basic training, she was posted at CISF Unit, DMRC, Delhi on 12.07.2010

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where she remains posted till date. On 23.01.2017, the respondents proposed to transfer the petitioner to the Eastern Sector. However, the said transfer was deferred by one year. It is the petitioner's version that pursuant to the aforesaid posting order, even though she was willing to join her place of transfer in Bihar for getting her sister treated there, the respondents on their own deferred her transfer on the ground that her services were required in the DMRC at Delhi, due to paucity of female staff. The petitioner was therefore informed that she could continue her sister's treatment at Delhi. It is further claimed that as a result, the petitioner has been consulting expert doctors at ITS Dental College Hospital & Research Centre, Greater Noida for her sister's treatment which is still ongoing and the treatment would require her to stay at Delhi for another year.

3. Learned counsel for the petitioner states that since the treatment of the petitioner's sister at Noida is still ongoing, she had made a request for deferring her posting for a further year, which request was acceded to by the respondent vide their letter dated 05.03.2018, but immediately upon issuance of an office order dated 31.07.2018, charge-sheeting the petitioner under Rule 36 of the CISF Rule, 2001, her deferment order has been withdrawn vide letter dated 13.08.2018. Subsequently, the impugned movement order dated 21.08.2018 was issued to the petitioner calling upon her to report at Bihar. Aggrieved by the said order, the petitioner has filed the present petition.

4. Learned counsel for the petitioner states that the petitioner's

posting order having been deferred by the respondents on her request vide order dated 05.03.2018 on the ground of her sister's treatment at the Dental College, Noida, the withdrawal of the deferment order dated 05.03.2018, is wholly unwarranted. He states that till the treatment of the petitioner's sister is completed, she ought to be permitted to continue in Delhi.

5. Having considered the submissions of the learned counsel for the petitioner and perused the record, we find that the petitioner has remained posted in Delhi ever since 12.07.2010. We do not see any reason to entertain the present petition against the impugned movement order particularly when the petitioner is being transferred to Bihar, where she was earlier willing to go. The sister of the petitioner can continue her treatment at Bihar where she will have the support of her parents who are stated to be residing there. The petitioner is directed to comply with the movement order dated 21.08.2018 by reporting to her place of posting within the joining time granted to her.

6. The prayer made in the present petition is declined and the petition is dismissed. The pending applications are disposed of.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 30, 2018

gm

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