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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9329/2018 & CM No.36070/2018 (stay)
COL S V AHLUWALIA Petitioner
Through: Ms.Garima Sachdeva, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through: Mr.Sanjeev Narula, CGSC with Mr.Rajat Gava
and Ms.Kavindra Gill, Advocates for R-1 to 4.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

% **ORDER**
05.09.2018

Challenge in this writ petition is against the order of transfer dated 27.08.2018 by which the petitioner herein has been posted as Director from SQAEL New Delhi to MSQAA, Hyderabad.

Learned counsel appearing for the petitioner at the outset submits that the present petition has been filed only because the son of the petitioner is in class XII. It is prayed that in case, the order of transfer is deferred for a period of 6 months, the studies of the son of the petitioner would not be disrupted. Additionally, the child would have the benefit of care and supervision of his father/petitioner herein.

Mr.Narula, learned counsel for the respondents enters appearance on an advance copy and submits that the petitioner has already served in Delhi for a period more than 8 years. He further submits that in the year 2017, the transfer of the petitioner was under consideration. Accordingly, on 17.07.2017, he made a representation and it was brought to the attention of the respondents that his younger son is studying in class 11th and is also admitted to FIIT JEE in New Delhi and is preparing for the entrance examination for the Indian Institute of

Technology and other Engineering Courses. In these circumstances, he had sought extension of his tenure at New Delhi for one year, on academic grounds of his son.

Mr.Narula, counsel for the respondents further submits that the petitioner has annual leave of 60 days in his account each for the year 2018 and 2019, in addition to Casual leave. He further submits that in view of undertaking given by the appellant and exigency of work, the order of transfer should not be interfered with.

The matter was passed over once to enable the counsel to seek appropriate instructions from their respective clients.

The writ petition is disposed of with the following observations:-

- (1) The petitioner if advised would seek annual leave for the year 2018 and 2019 to enable him to assist/supervise, lend moral support and care to his son during the period from September, 2018 to April, 2019.
- (2) We have no hesitation in saying that in case such an application is made, the respondent would consider the same favourably and grant necessary leave to the petitioner.

With these observations as agreed, the petition and CM No.36070/2018 are disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 05, 2018
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