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

+ **W.P.(C) 10705/2018 & C.M. No.41697-41698/2018**

SAJJAN SINGH PANWAR

..... Petitioner

Through

Mr.Rakesh Khanna, Sr. Adv. with
Mr.Surender Chauhan, Adv.,
Mr.Nitin Joshi, Adv. & petitioner in
person.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through

Ms.Amrita Prakash, Adv. with
Mr.Hari Shankar Sharma, Adv. for
R-1 to 4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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08.10.2018

1. The petitioner is aggrieved by his posting order dated 31.08.2018, posting him to Sector Headquarter, Koraput, Orissa. The petitioner is also aggrieved by the attachment order dated 10.09.2018 whereunder he has been attached with Sector Headquarters, Firozpur.

2. Mr.Rakesh Khanna, learned Senior Advocate appearing for the petitioner states that the petitioner's wife is suffering from severe depression and suicidal tendencies for which she is undergoing treatment at Amritsar, Punjab, where the petitioner is presently posted

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and also at AIIMS Hospital, Delhi. The petitioner has been advised not to leave his wife alone during the period of depression and, therefore, seeks quashing of the transfer/posting order.

3. Learned counsel for the respondents submits that the attachment order dated 10.09.2018, was issued by the department after the petitioner had made a representation to the Director General, BSF who had considered his difficulty and directed his attachment. She further states that in his entire tenure of 25 years, the petitioner has not served in an extreme hard area.

4. On enquiry from learned Senior Counsel for the petitioner if it is correct that the petitioner has never served in an extreme hard area during his entire service period of 25 years, he concedes the said position and states that though the petitioner has served in hard areas and at frontiers, till date, he has never served in an extreme hard area.

5. Learned counsel for the respondents does not deny the fact that the BSF (Tenure of Posting and Deputation) Rules, 2000, on which reliance has been placed by the other side, provides a time schedule for issuance of a transfer order and implementation thereof and further provides that transfers should be ordered with due regard to the tenure spent by individuals in different locations. Further, the Rules provide that persons transferred should be relieved by the end of June each year. She, however, states that the petitioner has been relieved by the impugned order dated 31.08.2018, in order to give due opportunity to another officer to command a unit and in this case, the

officer in question happens to be the Second-in-Command at the unit from where the petitioner has been transferred.

6. We have enquired from learned counsel for the respondents if it is possible to accommodate the petitioner for a reasonable time to enable him to make alternative arrangements, to which she submits that it would be difficult for her to make any such statement.

6. Having regard to the present health condition of the petitioner's wife as has been stated before us, it is directed that the impugned posting order dated 31.08.2018 be given effect to after 31.12.2018. Further, the attachment order dated 10.08.2018, is quashed and set aside. The petitioner undertakes to join at his new place of posting on or before 15.01.2019. Till 31.12.2018, the petitioner shall remain posted at Amritsar, and he shall be given an appropriate posting against a vacancy as may be available at Amritsar.

7. The petition is disposed of along with the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 08, 2018

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