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

+ W.P.(C) 7155/2017 with CM No.29644/2017 (stay),
CM No.29645/2017 (exemption), CM No.32515/2017 (for
amendment of writ) & CM No.32516/2017 (stay)

T.J. JACOB

..... Petitioner

Through: Mr.Ankur Chhibber, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.P.C.Yadav, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **18.01.2018**

1. Learned counsel for the respondents states that pursuant to the order dated 08.12.2017 passed in this petition, directing them to examine petitioner's prayer for posting him to South India as a last place of posting since he shall be superannuating on 31.05.2020, the respondents have passed the following order dated 16.01.2018:-

"04. In view of directions of Hon'ble High Court Delhi interim order dated 08/12/2017, the case of officer for posting to South as last terminal posting has been considered. As per Para-4 of SO-07/2014 Governing Transfer Policy of GOs provides that: Terminal posting of 02 years to the requested place will be considered on case to case basis, if vacancy is available and posting at such place not availed during last four years. From the posting particulars of Sh.T.J.Jacob, DIG, it is revealed that prior to his posting in GC, CRPF, Muzaffarpur, he remained posted in TRC-Peringome, Kerala (South India) from

12/08/2011 to 19/06/2016 (i.e. 4 years 10 mnths). The officer has spent large part of his service in Delhi and in his Home State. Moreover, the officer is due for superannuation on 31/05/2020. As such more than 02 years period is remaining for his retirement. Therefore, his case for terminal posting is not covered by our transfer policy.

05. In view of the foregoing, the case of the officer for terminal posting to South have no merit at present. His posting to South will be considered at appropriate time on merit.”

2. A copy of the order dated 16.02.2018 is handed over by the learned counsel for the respondents and the same is taken on record. The said office order states that the petitioner has spent a large part of his service in Delhi and in his Home State and as he is due to superannuate on 31.05.2020, a period of over two years is still remaining before his retirement. Accordingly, the respondents have decided that the petitioner's request for terminal posting to South India, will be considered at an appropriate time, on merits.

3. In view of the aforesaid order, counsel for the respondents states that the respondents shall duly consider the request of the petitioner for posting him to South India only in the month of May, 2018, subject to the Rule position and the vacancy situation as existing on that date.

4. Learned counsel for the petitioner states that he is satisfied with the aforesaid clarification.

5. Accordingly, the present petition is disposed of, along with the pending applications.

HIMA KOHLI, J.

REKHA PALLI, J.

JANUARY 18, 2018/‘hkaur’