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

+ **W.P.(C) 10866/2018 & CM APPL. 42377/18**

MAN SINGH

..... Petitioner

Through: Ms.Saahila Lamba, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms.Anju Gupta with Mr.R.L.Goel,
Advocates.
Mr.Vinod Kumar, DC/LAW BSF.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

26.11.2018

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1. On 10th October 2018 the following orders were passed in the following matter:

“W.P.(C) 10866/2018 & C.M. No.42377/2018 (for stay)

1. The petitioner who is working on the post of Inspector in the BSF is aggrieved by the movement order dated 01.08.2018 issued by the respondents whereunder, he has been posted to Anupgarh in Rajasthan.

2. Learned counsel for the respondents states on instructions that the plea taken by the petitioner that he shall be attaining the age of superannuation on 31.05.2020 and therefore, he should be retained at his present place of posting in Delhi as his terminal posting would have been duly considered by the respondents had the petitioner not asked for a posting in Delhi invoking compassionate grounds which request had been duly acceded to by the respondents in June, 2015.

3. It is stated that having completed three years in Delhi, the petitioner cannot be retained here any longer as there are several other requests for similar accommodation at Delhi.

4. Learned counsel for the respondents is directed to produce the relevant records to establish that the petitioner was posted in Delhi on compassionate grounds based on his request, for our perusal.

5. List on 26.11.2018.

6. Till the next date of hearing, no coercive steps shall be taken against the petitioner in terms of the impugned order.”

2. Today, learned counsel for the Respondents has produced before the Court copy of representation made by the Petitioner on 29th September 2014 requesting for posting on medical grounds anywhere in Delhi or Bhiwani or Hisar in Haryana. His main ground was that he required to take care of his wife who is ailing and to be able to provide her advance medical facilities. Thereafter, the Petitioner was given a posting order for Delhi with effect from 13th March 2015.

3. Counsel for the Petitioner points out that the posting in Delhi for 3 years was not on compassionate grounds but in the normal course. She refers to a policy announced by a Circular dated 6th March 2002 of the Directorate General, Border Security Force which *inter alia* states that the 3 year posting in a ‘G’ set up is “extendable to 5 years (one year at a time) on case to case basis on the recommendation of the ‘G’ Dte.” According to her the Petitioner’s Commandant at the 25th Battalion BSF had on 23rd February, 2018 recommended the retention of the Petitioner in the 25th Battalion BSF

for 1 year and that this has not been considered by the Respondents who had now transferred him to 104th Battalion in Anupgarh (Rajasthan). Learned counsel for the Petitioner further submits that with the Petitioner slated to superannuate on 31st March 2020 his plea that he should be retained in 25th Battalion or at any place near his home town which is Bhiwani in Haryana should be considered.

4. The Court on considering the submissions of the parties is of the view that the posting of the Petitioner at Anupgarh in Rajasthan is not going to cause much inconvenience as far as his providing medical facilities for his wife's ailment is concerned. Transfer is very much an inseparably incidental to the service. The Court is, therefore, not inclined to interfere with the movement order dated 1st August 2018.

5. The petition is dismissed. The pending application is disposed of.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 26, 2018

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