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

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+ **W.P.(C) 11370/2019**

**DHEERAJ KUMAR SHARMA & ORS** ..... Petitioners

Through: Mr Bal Kishan and Mr Himanshu  
Kaushik, Advocates.

versus

**UNION OF INDIA & ORS** ..... Respondents

Through: Mr Jagjit Singh, Senior Standing  
Counsel for UOI/Railways.

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE TALWANT SINGH**

**ORDER**

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**23.10.2019**

**CM 46846/2019 (exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 11370/2019 & CM 46845/2019 (stay)**

2. This is a writ petition by 38 personnel of the Railway Protection Special Force ('RPSF'), seeking the quashing of an order dated 16<sup>th</sup> September, 2019, issued by the Commanding Officer ('CO') of the 9<sup>th</sup> Battalion, RPSF, deploying them in the Kashmir Valley from 22<sup>nd</sup> September, 2019.

3. According to the Petitioners, in terms of the Directive-53 dated 2<sup>nd</sup> July, 2019, in constituting a Commando Unit, personnel will be drawn from the RPF/RPSF but only among those who are "willing personnel". The Petitioners claim that they are not willing to be part of the Commando Unit and had communicated this to the Respondents. According to the Petitioners, they were forced to go for the commando training.

4. Learned counsel for the Respondents, appearing on advance notice, states on instructions that the Petitioners have already undergone training for forming part of the Commando Unit in 2018. None of them lodged any protest about their unwillingness to undergo such training. He states that once they have undergone training, they form part of the Commando Unit and they are duty bound to comply with the deployment orders.

5. The documents annexed with the petition do not indicate that at the stage of undergoing training, any protest was lodged by any of these Petitioners that they had been forced to do so. In any event, this gives rise to a disputed question of fact which cannot be examined in a writ petition. The fact remains that with the Petitioners having received the training, they should comply with the orders of deployment. The Court is informed that they are to be deployed for ensuring security of the railway lines and trains in Jammu & Kashmir and there is an urgent need to ensure the security of those assets.

6. Consequently, this Court is not persuaded to accede to the prayers made in the writ petition. The petition is accordingly dismissed. The pending application is disposed of. No costs.

**S. MURALIDHAR, J.**

**TALWANT SINGH, J.**

**OCTOBER 23, 2019**

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