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

+ **W.P.(C) 10500/2019**

COL SANJAY SAHAI

..... Petitioner

Through: Mr. Indra Sen Singh, Advocates.
versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Jitesh Vikram Srivastava and
Mr. Chetan Kumar Shukla, Advocates
with Col. S. Prabhu, for R-1 to R-4.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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27.09.2019

C.M.Nos.43369-90/2019 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 10500/2019 and C.M.No.43368/2019 (Stay)

2. The Petitioner is aggrieved by his posting order to HQ, Chhattisgarh and Orissa Sub-Area (COSA) from Allahabad, where he has been serving as Lt. Colonel for the last two years.

3. Learned counsel for the Respondents appearing on advance notice, on instructions, states that the Petitioner has been serving in a peace posting for the last thirteen years; that although the Petitioner is actually due for a field posting, he has been given one more peace posting taking into account the fact that the Petitioner's son is in 11th standard and that his education should not be disturbed.

4. Learned counsel for the Petitioner states that he is at the stage of last-leg posting and submits that the policy in that regard has not been adhered to by the Respondents. He further states that he gave three choices of stations to the Respondents for his last leg posting but none of them has been considered.

5. The Court has perused the policy concerning last-leg posting. It is in the discretion of the Respondent to sympathetically consider a request where it has been made at the stage of a last leg posting. However, in the present case, the Petitioner has three more years to go before retirement and he has continuously served for thirteen years in peace postings. Even the impugned transfer order shifts him to another peace posting, although he is due for field posting.

6. In the circumstances, the Court is not inclined to interfere with the impugned order.

7. The writ petition and application are accordingly dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 27, 2019

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