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

+ **W.P.(C) 7434/2019 & CM APPLN. 30993/2019**

SH. MAHITOSH KUMAR Petitioner

Through: **Mr. Sahib Singh, Advocate**

versus

UNION OF INDIA AND ORS. Respondents

Through: **Mr. Bhagvan Swarup Shukla, CGSC**
with **Mr. Sarvan Kumar Shukla** and
Mr. Mukesh Kumar Pandey,
Advocates for UOI
Ms. Shweta Bharti and Mr. J.
Thomas, Advocates for R-2 to R-5

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **12.07.2019**

CM APPL. 30992/2019 (Exemption)

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

W.P.(C) 7434/2019

Vide the present petition, the petitioner seeks direction thereby setting aside orders of transfer dated 27.06.2019 and 01.07.2019 approving transfer of the petitioner to CFL, Kolkata and further seeks direction directing the respondent no.3 to withdraw the show cause notice dated 07.12.2018 for being vexatious.

He further seeks direction thereby directing the aforesaid respondent to allow the petitioner to continue with his services unfettered at his

contemporary place of service.

At the outset of the arguments of the counsel for the petitioner, he has submitted that the post of the petitioner is not transferable, despite he has been transferred from Ghaziabad to Kolkata.

On aforementioned submissions, this Court asked the counsel for the petitioner to produce appointment letter of the petitioner to the post of Junior Analyst (Non-Ministerial) Group 'B' (Gazetted) and the matter was directed to be posted at 02.15 P.M.

When the matter is taken up at 2.15 P.M, counsel for the petitioner submits that the appointment letter is not traceable whereas the counsel for the respondent has produced the appointment letter dated 16.04.2014 issued by the Directorate General of Health Services, whereby para 2 of the appointment letter, it is specifically stated that the Headquarters of the post will be Food Research & Standardization Laboratory, Ghaziabad for the present. However, the post carries with it the liability to serve anywhere in India or Abroad.

Thus the argument opened up by the counsel for the petitioner was contrary with the appointment letter dated 16.04.2014 of the petitioner.

It is a settled law that the Tribunals and the Courts should not interfere with the transfer policy of the Government until and unless the transfer is contrary to the policy and malafide.

In the present petition, the petitioner has pointed out some complaints made by the petitioner to the various authorities including the police regarding threatening calls received, however, he has not pursued with the said complaints to the Police Station. Since the post is transferable which the petitioner is having and he remained 2 years at Ghaziabad and thereafter

transferred to Kolkata, therefore, I find no ground to interfere with the transfer order of the respondent.

In addition to above, the petitioner is already stood relieved, therefore, on that account, the present petition has become infructuous.

I find no merit in the present petition and the same is, accordingly, dismissed.

SURESH KUMAR KAIT, J

JULY 12, 2019

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