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

+ **W.P.(C) 7578/2019**

LT. COL. S. SURESH KUMAR Petitioner

Through: Mr. Chetan Shandilya, Adv.

versus

UNION OF INDIA AND ORS. Respondents

Through: Ms. Anjana Gosain, Ms. Himanshi
and Ms. Shalini Nair, Advs. along
with Col. S. Prabhu, MS (Legal).

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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16.07.2019

C.M. No. 31504/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7578/2019 and C.M. No.31503/2019

The petitioner has preferred the present writ petition to assail the order dated 12.06.2019, whereby the petitioner has been posted out from Pune – where he was then posted, to Hissar – where he is required to report on 15.07.2019.

Learned counsel for the petitioner, on instructions, states that he has been relieved from Pune only yesterday and he has six days joining time.

The submission of learned counsel for the petitioner is that the statutory complaint made by the petitioner – while he was posted at Kochi, has not been actioned despite the order of the Kochi Bench of the Armed Forces Tribunal (AFT) in O.A. No.267/2018. The AFT by the said order directed the respondents to consider the said statutory complaint within a period of three months from the date of receipt of the copy of the order dated

19.07.2018 passed by the AFT in the aforesaid Original Application. Learned counsel for the petitioner submits that if he is transferred to Hissar, he would find it difficult to pursue his said statutory complaint.

Ms. Gosain submits that the replacement of the petitioner has already reported at Pune and the petitioner is no longer on the strength of the establishment at Pune and, therefore, he must report at Hissar. Moreover, he can follow up his statutory complaint from wherever he is posted since he was transferred from Kochi to Pune where he remained for about 44 months.

Having heard learned counsels, we are not inclined to interfere with the impugned order of posting dated 12.06.2019. Considering the fact that the petitioner has already spent about 44 months at Pune, the petitioner cannot have a grievance against his transfer. So far as his statutory complaint is concerned, he can follow up the same even from Hissar just like he was pursuing it from Pune.

We may, however, observe that the respondents are expected to comply with the orders passed by the Courts and the Tribunal and it is unfortunate that the order dated 19.07.2018 passed in O.A. No. 267/2018 has not been complied with till date. It shall be open to the petitioner to take remedial steps in that regard.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 16, 2019

B.S. Rohella