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

+ **W.P.(C) 7879/2019**

COL. DEEPAK VOHRA Petitioner
Through Mr. S.M.Dalal, Advocate

versus

THE UNION OF INDIA AND ORS. Respondents
Through Ms. Aakanksha Kaul & Mr. Prabudh
Singh, Advocates

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER

% **27.08.2019**

W.P.(C) 7879/2019 & CM Appl.No. 38187/2019

1. CM 38187/2019 is an application by the Respondents seeking vacation of the interim order passed by this Court on 30th July, 2019. With the consent of the parties, the writ petition is taken up for final hearing along with the pending application.

2. The Petitioner's grievance is that he is at the stage of Last Leg posting and that he has been asked by the impugned posting order dated 29th May, 2019, to go to Siliguri. His case is that he has a 90 year-old father and two grown-up daughters, and therefore, should be given a posting of his choice i.e. in Delhi or in the alternative he should not be disturbed from the current posting at Jalandhar.

3. In the application now filed by the Respondents, it is stated that the Petitioner has in the last few years been accommodated at postings of his preference. It appears that on account of his wife's illness, the Petitioner was given a posting in Delhi between 2012 and 2015. Soon thereafter, he went on study leave and chose to remain in Delhi.

4. The present application by the Respondents, offering to accommodate the Petitioner at Mathura, which is less than two hours away by road from Delhi appears to be a reasonable one and the Petitioner cannot have any legitimate grievance of being asked to report at a 'difficult' station.

5. Learned counsel for the Petitioner states that there have been occasions in the past where this Court in similar circumstances has recognized the right of persons similarly situated as the Petitioner, to be accommodated at a Last Leg posting of their choice. In this regard, he refers to an order dated 9th March, 2015 passed by this Court in W.P. (C) No. 2188/2015 (**V.K.S. Bhati v. Union of India**).

6. The Court finds that the said decision turned on the peculiar facts emphasized by this Court in the said order itself. As far as the present case is concerned, it appears to the Court that the Petitioner has been accommodated at postings convenient to the Petitioner in the extenuating circumstances pointed out by him. The impugned order which requires him to report at Siliguri has been offered to be amended by the Respondents and he is now required to report at Mathura. In the circumstances, in view of the stand of the Respondents, the Court is not inclined to accede to the request

of the Petitioner that he should not be disturbed from his present posting at Jalandhar or that he should be posted at Delhi.

7. While granting the Petitioner time till 1st October, 2019 to report at his posting at Mathura, by which time the requisite posting orders to that effect will be issued by the Respondents, the Court disposes of the petition and the pending application.

8. The disposal of this petition will not preclude the Petitioner from making a representation for further time to report at his fresh posting in Mathura on medical grounds, which will be considered on its merits by the Respondents.

9. The next date fixed before this Court stands hereby cancelled.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 27, 2019

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