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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7595/2018, CM APPL. 29047/2018 & CM APPL.**
6336/2019

RAJPAL DAHIYA

..... Petitioner

Through: Mr. Dharam Raj Ohlan, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Vinod Diwakar, CGSC with
Mr. Sayandeep Pahari, Advocate for
R-1 to R-3. with Mr. Anil Thakur,
Asst. Com. RAF.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

% **ORDER**
15.03.2019

1. The Petitioner is aggrieved by a transfer order dated 6th July 2018 transferring him from the 194 Battalion (now RAF Battalion) to the 116 Battalion of the CRPF in Pehelgaon, Jammu & Kashmir.

2. The case of the Petitioner is that in terms of the Standing Order 7/2015 his tenure in the RAF should be for a minimum of 3 years and that having come to Delhi only on 26th October 2017, he could not have been shifted out before the completion of the said period.

3. A counter affidavit has been filed by the Respondents explaining that the

Petitioner got promoted as Head Constable and was posted to the 194 Battalion which at that time had not been converted into an RAF Battalion. When subsequently, that Battalion, which is stationed in Delhi, got converted into a RAF battalion, the Petitioner happened to continue there. However, the policy also requires that on promotion the person should be first posted to a field posting. In the case of the Petitioner, he already earlier was at a static posting in Chandigarh for three years and the posting at Delhi was also a static posting. Therefore, it was considered necessary to transfer him from the RAF Battalion to a field posting in J&K.

4. The Court is satisfied that, in view of the explanation offered by the Respondents, the impugned order does not call for any interference.

5. In the counter affidavit, it is further stated as under:

“14(g) In reply to the contents of Para 14(g), it is submitted that the petitioner is very well aware about the transfer policies of the force wherein it is a regular phenomena to serve in the field areas after availing a static/peace posting. The same is also in the interest of other personnel performing duties in hard areas confronting naxals, insurgent etc who will get the chance for Static/Peace posting. However, it is clarified that the impugned transfer order has been issued upon the Petitioner becoming surplus/ineligible in RAF Sector.

It is submitted that all necessary help will be extended to the family of the Petitioner in case he leaves his family at nearby area of Unit. The Petitioner can also avail the option to apply for family accommodation in nearby GCs.”

6. In view of the above statement, it is directed that if a suitable

representation is made by the Petitioner in regard to a family accommodation in the nearby GC, the Respondents will consider it on merits and pass the appropriate orders without unnecessary delay.

7. Counsel for the Petitioner expresses apprehension of an adverse action against him by the Respondents on account of his having approached this Court. The Court sees no reason for such apprehension.

8. The petition and applications are accordingly dismissed with the above direction and observations. The interim order dated 4th September 2018 stands vacated.

S.MURALIDHAR, J

I.S.MEHTA, J

MARCH 15, 2019

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