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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3939/2020 & CM No.14108/2020 (for interim relief)
DEEPAK J PAWAR Petitioner

Through: Mr. Abhishek Kaushik, Adv.

Versus

THE UNION OF INDIA & ORS. Respondents

Through: Mr. Vivek Goyal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **14.07.2020**

[VIA VIDEO CONFERENCING]

1. This order is in continuation of the earlier order dated 6th July, 2020.
2. The counsel for the respondents informs that he has yesterday only received communication to the effect that the representation of the petitioner has been rejected owing to the operational requirements of the Delhi Metro Rail Corporation (DMRC).
3. The counsel for the petitioner seeks an opportunity to argue and has been permitted to argue. He has taken us to Annexures P-1, P-2 and P-3 to the petition and contended that, (i) even the impugned posting order dated 20th March, 2020 (Annexure P-1) provides in Clause 05 thereof that "In case of spouse working in the same unit, he/she may not be relieved and his/her case be taken up with the Dte." and argues that when exception is made in such a case, there is no reason why, for the reasons given by the petitioner in his representation and as also recorded in the order dated 6th July, 2020 in this petition, exception be not made in the case of the petitioner; (ii) the whole purpose of grant of opportunity to make representation against the posting order is also indicative of the transfer being not imperative and the

official, for reasons to be stated, being retained at the station from which he is being transferred; (iii) in view of the prevalent Covid-19 situation, there has been a general deferment of transfers till 31st March, 2021 and the petitioner also is not seeking any accommodation more than that; and, (iv) the petitioner would face a lot of hardship and his house construction would suffer if compelled to move out.

4. Though our sympathies are with the petitioner but once all the said factors have been considered by the respondents and the respondents, after application of mind have deemed it appropriate to not interfere in the transfer/posting order of the petitioner, it is not for us to, without any basis, on mere sympathy, defer the transfer of the petitioner. We, sitting in our Courts, cannot judge the operational requirements of the respondents and if start interfering with administration by the authorities, would be leading to operational inadequacies and which again becomes a cause of complaint by the citizens.

5. No case for interference is made out.

Dismissed.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

JULY 14, 2020

‘gsr’