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

+ **W.P.(C) 5515/2020 & CM APPL. 19838/2020 (for stay).**

SI/(M) PRAVEEN KUMAR Petitioner

Through: **Mr. Kunwar Arish Ali, Adv.**

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. Vishal Bakshi, Sr. Panel Counsel**
with **Mr. Anil Thakur Asstt.**
Commandant (Law) CRPF.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **21.08.2020**

[VIA VIDEO CONFERENCING]

1. The petitioner, a Sub-Inspector in the respondents Central Reserve Police Force (CRPF) and transferred vide order/signal dated 21st July, 2020 from Nagrota, Jammu to Vishakhapatnam, Andhra Pradesh, has filed this petition impugning his transfer order and seeking a mandamus to the respondents CRPF to post the petitioner at Delhi/National Capital Region of Delhi (NCR), on the ground of extreme medical/compassionate grounds.
2. The counsel for the respondents CRPF appears on advance notice.
3. We, in our judicial orders, have not been interfering with the orders of transfer of personnel of forces from one place to another, save on legal grounds being made out, being of the view that it is not in the domain of the Court to, by showing sympathy to one before the Court, interfere with the

functioning of the forces including at the place to which the personnel have been transferred and also affecting others, not before the Court and who, as a consequence of interference with transfer of one before the Court, may be prejudicially affected therefrom.

4. Having not found any legal ground made out in the petition to interfere with the transfer order of the petitioner, we have heard the counsel for the petitioner.

5. The counsel for the petitioner states, that (i) the petitioner was posted from 17th October, 2013 to 18th January, 2019 at Greater Noida (UP), whereafter he was posted to Nagrota, Jammu; (ii) though the posting at Nagrota, Jammu should have been of two years but the petitioner, after only 1½ years of such posting, has been transferred to Vishakhapatnam, Andhra Pradesh, on administrative grounds; (iii) the petitioner, after completing two years of posting at Nagrota, Jammu was entitled to a soft station; and, (iv) the petitioner is thus willing to complete his remaining six months of posting at Nagrota, Jammu and to be posted at Delhi/NCR thereafter.

6. It is not in dispute that Vishakhapatnam, Andhra Pradesh, where the petitioner has been posted/transferred to, is also a soft station.

7. The counsel for the petitioner has contended that the petitioner underwent an open heart surgery at Dr. Ram Manohar Lohia Hospital, New Delhi in the year 2006 and is under treatment at Delhi and for medical reasons should be posted at Delhi.

8. Vishakhapatnam, Andhra Pradesh, where the petitioner has been posted, has excellent medical facilities and it cannot be said that the medical facilities as available at Delhi are not available at Vishakhapatnam. The

petitioner admittedly does not have any right to remain posted at Delhi and thus cannot seek mandamus for being posted at Delhi, now or even after completion of another six months of posting at Nagrota, Jammu, as offered.

9. No ground for interference is made out.

Dismissed.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

AUGUST 21, 2020

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