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

Date of decision: 14th October, 2020

+ W.P. (C) 7895/2020, C.M. Appl. No.25874/2020 (of the petitioner for ex-parte ad-interim stay of the operation of transfer order dated 15th July, 2020)

KASHIF FAHEEM

.....Petitioner

Through: Mr.Sachin Dutta, Senior Advocate
with Mr.Akbar Siddique, Mr.
Ehtesham Hashmi Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Niraj Kumar, Senior Central
Government Counsel

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

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[VIA VIDEO CONFERENCING]

RAJIV SAHAI ENDLAW, J.

1. The petitioner, an Assistant Commandant in the respondents Central Reserve Police Force (CRPF), has filed this petition impugning the order dated 15th July, 2020 of his transfer from Aligarh to Srinagar.

2. It is the case of the petitioner that the mother of the petitioner is a heart, diabetes and cerebral nerve patient and is

residing with the petitioner at Aligarh and has also recovered from Covid and the petitioner needs to continue to be posted at Aligarh to be able to look after his mother.

3. In the petition, no particulars whatsoever of the family of the petitioner have been given. The medical certificates of the mother, filed with the petition also show the mother to be a resident of Jagdishpur, Balia, Bihar and not of Aligarh. Jagdishpur is at a long distance from Aligarh and it appears that certificates of the hospital at Aligarh have been obtained only for the purposes of this case and/or for treatment of the mother, on her visit from Jagdishpur to Aligarh.

4. The senior counsel for the petitioner informs that the petitioner is the only child of his parents and is married and has two minor children. On enquiry, it is further stated that the parents of the petitioner reside at Balia, Jagdishpur, Bihar.

5. The counsel for the respondents appearing on advance notice states that the petitioner already, instead of normal 3 years, has stayed at Aligarh for 4 years and 2 months and there are also complaints of abuse of man-power at Aligarh against the petitioner.

6. The senior counsel for the petitioner confines the relief in the petition to the petitioner being granted maximum 60 days' time to move from Aligarh to Srinagar.

7. The counsel for the respondents states that movement order has already been issued to the petitioner and the petitioner has been relieved from Aligarh.

8. The petition, as sought, is disposed of by refusing to interfere with the posting order but by directing the respondents to, if able to extend the period for the petitioner to join at Srinagar by maximum 60 days, communicate the decision in this regard to the petitioner on or before 23rd October, 2020. If no extension is communicated to the petitioner, the petitioner shall remain bound to join as per the movement order already issued to him and if fails to join at the transferred posting, would face consequences in accordance with law.



**RAJIV SAHAI ENDLAW
(JUDGE)**

**ASHA MENON
(JUDGE)**

OCTOBER 14, 2020
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