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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5860/2021 & CM No.18409/2021 (for stay)

P.A. HASHIMON

..... Petitioner

Through: Mr. P. Sureshan, Adv.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Naginder Benipal, Ms. Rupali

Kapoor, Ms. Harithi Kambiri, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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04.06.2021

[VIA VIDEO CONFERENCING]

CM Nos.18410-11/2021 (both for exemption)

1. Allowed, subject to just exceptions and as per extant Rules.
2. The applications are disposed of.

W.P.(C) 5860/2021 & CM No.18409/2021 (for stay)

3. The petitioner, a Constable (General Duty) in the respondents Central Industrial Security Force (CISF) and posted at Delhi since the year 2009, inspite of having lived in Delhi for the last more than eleven years, has filed this petition impugning the order dated 28th May, 2021 of his transfer to Chamera in Himachal Pradesh.
4. The transfer has been challenged on the grounds of, health of the petitioner and employment of the wife of the petitioner at Delhi, as a Nursing Officer in Ophthalmology Department of All India Institute of Medical Sciences (AIIMS), New Delhi.
5. The counsel for the respondents CISF appears on advance notice and states that the petitioner has been posted in National Capital Region (NCR)

since the year 2003. On enquiry, it is stated that prior to the present posting at Delhi since 2009, the petitioner, since the year 2003 was posted at Ghaziabad.

6. Having gone through the facts, we are not inclined to interfere.

7. The counsel for the petitioner then states that the respondents CISF be directed to decide the representations dated 16th January, 2021 and 25th March, 2021 of the petitioner, for being continued to be posted at Delhi.

8. We have informed the counsel for the petitioner, that the petitioner, in the event of his representations being rejected, shall not be entitled to approach the Court again.

9. The counsel for the petitioner is agreeable thereto.

10. On enquiry, whether the petitioner has been served the movement order, the answer is in the negative.

11. The petition is disposed of, directing the respondents to decide the representations dated 16th January, 2021 and 25th March, 2021 of the petitioner as well as the representation as contained in this petition, within 15 days hereof. If the petitioner, before the representations are decided within 15 days, is asked to move, the petitioner shall be bound to comply with the movement order, without prejudice to his rights and contentions and subject to the decision on his representations and if does not do so, would do so at his own peril.

RAJIV SAHAI ENDLAW, J

AMIT BANSAL, J

JUNE 4, 2021/‘gsr’..