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

Date of Decision: 17.09.2021

+ **W.P.(C) 10061/2021 & CM APPL. Nos. 31060-61/2021**
DY. COMDT. RAMESH KUMAR PUNIA Petitioner
Through: Mr. Vivek Sheel, Adv.

versus

UNION OF INDIA & ORS. Respondents
Through: Ms.Aakanksha Kaul, Mr.Manek
Singh & Mr.Aman Sahani,
Advs.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA
NAVIN CHAWLA, J. (Oral)

The petition has been heard by way of video conferencing.

1. This petition has been filed by the petitioner challenging the Transfer Order dated 19.05.2021 by which the petitioner has been directed to be transferred from the 5th Battalion ITBP at Leh, Union Territory of Ladakh, to the 33rd Battalion at Guwahati, Assam.
2. The petitioner further challenges the order dated 16.08.2021 by which his representation against the said Transfer Order was rejected as also the Movement Order dated 28.08.2021.
3. During the course of these proceedings, learned counsel for the respondents, on instructions, gave an offer that the petitioner can be

transferred to 43rd Battalion at Shalabagh, Shimla if he so desires. The learned counsel for the petitioner, however, refused this offer.

4. The learned counsel for the respondent then submitted, on instructions, that on the petitioner joining at Guwahati, any application for leave made by the petitioner for his presence during the course of the criminal trial which is taking place in the Courts at Leh would be favourably considered. She further submits that as and when the petitioner requests for availing travel in the flights in which the CAPF personnel are allowed to travel for free, for attending the trial at Leh (round trip), such requests would also be favourably considered.

5. In view of the above statement, learned counsel for the petitioner, on instructions, does not press this petition any further.

6. The learned counsel for the respondents has further pointed out that the petitioner instead of joining his posting in terms of the Transfer Order and the Movement Order, availed of earned leave.

7. As this petition was pending for consideration before this Court and the learned counsel for the respondents had been directed to obtain instructions, we direct that the petitioner shall join his new place of posting on the expiry of the earned leave or within a period of one week from today, whichever is later.

8. During the course of the present petition it was also contended by the learned counsel for the respondents that the petitioner was to attend a pre-promotional course at Mussoorie, which the petitioner did not attend. The learned counsel for the petitioner submits that no

grievance has been made by the petitioner on that account in the present petition. Learned counsel for petitioner submits that the same may, however, not be considered as a waiver of the petitioner to seek promotion if any future opportunity arises in that regard. As this is not the subject matter of the present petition, we need not express any opinion on the same.

9. Accordingly, the present petition and application are disposed of taking the statement of Respondents on record.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

NAVIN CHAWLA, J

MANMOHAN, J

SEPTEMBER 17, 2021/rv/U.