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

+ **W.P.(C) 13467/2021**

SGT RAJU MURALASETTI 910091-A Petitioner

Through **Mr.Ajit Kakkar, Advocate.**

versus

UNION OF INDIA & ORS. Respondents

Through **Mr.Manish Mohan, CGSC with
Mr.Himanshu Pathak, GP and
Ms.Dhwani Sharma, Advocate.**

% **Date of Decision: 29th November, 2021**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

1. Present writ petition has been filed challenging the impugned orders dated 6th October 2021 and 22nd October 2021 issued by the Respondents. Petitioner also seeks direction to the respondents to change the petitioner's posting and/or allow attachment at a nearby AF Unit for six months on extreme compassionate grounds. In the alternative, the Petitioner seeks directions to the Respondents to re-consider the discharge application on extreme compassionate Grounds.

2. Learned counsel for the Petitioner states that the Petitioner is aggrieved by the actions of the Respondents whereby the Petitioner has been denied posting and discharge from service on extreme compassionate grounds and the respondents have also declined to change the effective date

of posting on compassionate grounds.

3. He states that the Petitioner was enrolled in the Air Force in September 2005 and after enrolment, the Petitioner faced many family problems. He states that the Petitioner's mother has developed several health issues like chronic bronchial Asthma, Hypertension, fissures and Arthritis after the demise of the Petitioner's father. He also points out that the Petitioner has eight dependents out of which four are women and four children for whom he is responsible.

4. He points out that amidst all this, the Petitioner's work and responsibilities in service kept increasing and the Petitioner performed all his duties diligently.

5. He states that the Petitioner, after serving for 16 years, sought cancellation of his posting or grant of discharge on compassionate grounds since his new place of posting is in a remote location, far away from his hometown, and will be a hindrance for the Petitioner to take care of his family.

6. He states that vide impugned order dated 06th October 2021, the Petitioner's application seeking change of EDP was rejected by the Respondents and vide impugned order dated 22nd October 2021, the Petitioner's application seeking discharge from service on extreme compassionate grounds was rejected on the sole ground that it was devoid of merit.

7. Issue notice. Mr. Manish Mohan, CGSC accepts notice on behalf of the Respondents. He states that the relief with regard to transfer has become infructuous as the Petitioner has joined his new place of posting. He, however, states that the Respondents are agreeable to pass a reasoned order

with regard to the discharge application filed by the Petitioner.

8. Having heard learned counsel for the parties, this Court is of the view that transfer is an exigency of service and the Courts shall normally not interfere with the same in writ jurisdiction. Consequently, the prayer for posing at a nearby AF Unit is rejected.

9. However, this Court is of the view that the order rejecting the Petitioner's discharge application is without any reason. Accordingly, the same is set aside and the Respondents are directed to re-consider the Petitioner's discharge application in accordance with law by way of a reasoned order within eight weeks.

10. With the aforesaid directions, present writ petition stands disposed of. This Court clarifies that it has not commented on the merit of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, J

NAVIN CHAWLA, J

**NOVEMBER 29, 2021
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