



\$~94

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

%

Date of decision: 25.04.2022

+ W.P.(C) 6358/2022

ARCHANA KUMARI

..... Petitioner

Through: Mr.Raj Singh Phogat, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Jivesh Kr. Tiwari, Adv.
Mr.Vivek Nagar, Government Pleader
for Respondent No.1 with Mr.Neeraj
Nagar, Ms.Piya Sharma & Mr.Sonu
Rana, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

CM APPL. 19213/2022 (exemption)

1. The application is allowed, with a direction to the applicant to file requisite certified, true typed copies and margins of dim annexures within four weeks.

2. The application is accordingly disposed of.

W.P.(C) 6358/2022 & CM APPL. 19212/2022

3. Present petition has been preferred by the petitioner seeking quashing



and setting aside of the impugned order FHQR letter No.E-38014/38th IST-2022/Estt-II/2022/1207 dated 28.03.2022 passed by respondent no.2 and order no.E-38014/(5)/2/2022/AS/ADM/Posting Gen Corr/4211 dated 09.04.2022 passed by respondent no.3. In addition, stay of the impugned afore-noted order is sought during pendency of this petition.

4. Learned counsel for the petitioner submits that petitioner, a Lady Constable, is working in Central Industrial Security Force under the Ministry of Home Affairs and has already completed the out of zone/sector service tenure of more than 14 years. In November 2020, petitioner had purchased a flat in Delhi and thereby respondents changed the data in the system and now it shows petitioner has not served in out of service sector tenure by wrongly counting her service of north sector as home sector whereas she is native of Bihar.

5. Learned counsel further submits that petitioner's husband Sub Inspector Mukesh Kumar is posted in CISF unit, SSG, Noida (U.P.) and petitioner deserves to be allowed to remain with her husband, however, her department is harassing her by transferring her to the out of home sector which is in violation of DoPT order dated 30.09.2009.

6. Learned counsel for the petitioner further submits that aggrieved by



the aforesaid transfer order, petitioner had filed a representation dated 12.04.2022 to the respondents which is yet to be decided.

7. Notice issued.

8. Learned counsel for the respondents accepts notice and has drawn attention of this court to the service order No.211/2022 dated 28.03.2022 issued by the respondents wherein it has been stated that if any individual prefers a representation regarding the impugned transfer order before 14.04.2022, the same shall be decided on 28.04.2022

9. After hearing learned counsel for the parties, it is established that against the impugned transfer order dated 28.03.2022, petitioner has filed representation dated 12.04.2022 which is pending consideration and disposal at the end of respondents.

10. Accordingly, we hereby dispose of the present petition by directing the respondents to decide the representation of the petitioner dated 12.04.2022 within the time stipulated i.e. 28.04.2022 and till then, impugned order dated 28.03.2022 shall not be given effect to.

11. With the aforesaid directions, the present petition is disposed of.

12. Needless to state that if the petitioner is aggrieved by the order to be passed in the representation, she may challenge it before the appropriate



forum.

13. Pending application, if any, stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SUDHIR KUMAR JAIN)
JUDGE

APRIL 25, 2022

ab

