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

% ***Date of decision: September 21, 2022***

+ **W.P.(C) 13291/2022**

INSP. ATTAR SINGH Petitioner

Through: **Ms. Alpna Yadav, Advocate**

Versus

UNION OF INDIA AND ORS. Respondents

Through: **Mr. Ajay Jain, Senior Panel Counsel**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. The petitioner, who is working as Inspector (GD), is aggrieved of order number-4505-99 dated 04.02.2022 passed by the Directorate General, vide which he has been directed to joint posting at 18th Corps, which is 1000 kms. away from his hometown. Vide this petition, petitioner is seeking quashing of the aforesaid order dated 04.02.2022.

2. During the course of hearing, learned counsel for petitioner submitted that against the impugned posting order dated 04.02.2022, petitioner had filed various applications before the competent authority, however, vide order dated 08.07.2022, his requests have been turned down arbitrarily.

3. It is urged on behalf of the petitioner that he had joined the services of ITBP in the year 1983 and he has served in hard and very hard areas for



almost 34 years out of his total service of 39 years and that he shall be retiring from his services on 30.11.2024. Learned counsel for petitioner has submitted that petitioner's mother-in-law, aged around 76 years, is suffering from various serious ailments and she is solely dependent upon the petitioner and his wife, who is also working in ITBP and posted in difficult area. Further grievance of petitioner is that other similarly situated personnel, have availed 'option of choice' and they have been given posting of their choice, however, petitioner has been wrongfully denied the benefit thereof.

4. Lastly, learned counsel for petitioner submitted that though in compliance of order dated 04.02.2022, petitioner has already joined his place of posting on 25.07.2022, but this is causing mental and physical agony to him and so, on humanitarian grounds the present petition deserves to be allowed.

5. Upon hearing learned counsel at some length and on perusal of material placed before us we find that petitioner has already joined his place of posting on 25.07.2022 in pursuance to order dated 04.02.2022, setting aside of which is sought in the present petition. However, learned counsel for petitioner has cited various reasons seeking petitioner's posting near Dehradun i.e. his hometown to enable him to attend health issues in the family and the fact that petitioner is in the last leg of his posting and likely to superannuate on 30.11.2024.

6. Further, on perusal of communication dated 08.07.2022, we find that that while rejecting petitioner's request, it has been observed therein that *"THE CASE HAS BEEN CONSIDERED BUT REJECTED BY COMPETENT AUTHORITY DUE TO DEVOID OF MERIT WITH THE*



DIRECTION TO APPLY FOR TERMINAL POSTING IN JEB-2023”.

7. In the light of afore-noted concession given already granted by the respondents to the petitioner, whereby he has been given liberty to seek terminal posting in JEB-2023 and in view of the fact that petitioner has already joined his place of posting, we are not inclined to interfere with the order dated 04.02.2022. Liberty is however granted to the petitioner to make a request to the competent authority for a convenient terminal posting in JRB-2023 and it is expected that the respondents shall consider the same keeping in view the health issues in petitioner's family and the fact that he is likely to superannuate on 30.11.2024.

8. With aforesaid observations, the present petition is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 21, 2022

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