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

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Date of decision: September 20, 2022

+ W.P.(C) 13613/2022 & CM APPL. 41484-41485/2022

SATENDRA KUMAR RAJAK Petitioner

Through: Mr. Shubhankar Choudhary, Mr.
Samyak Gangwal and Mr. Krishnesh
Bapat, Advocates

Versus

THE UNION OF INDIA & ANR. Respondents

Through: Mr. Tanveer Ahmed Ansari, SPC
alongwith Mr. Hilal Haider and Mr.
Bitul Khan, Advocates for R-1
Harendra Singh, SI

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

JUDGMENT (oral)

1. The petitioner has preferred the present writ petition challenging the validity of the Order bearing No. 06/SSB/FHQ/Estt./Tfr-Out/CT to Insp(GD)/2022/21012-36 dated 31.08.2022 whereby respondent no.2 has transferred the petitioner out of his posting as Head Constable (GD) at New Delhi and instructed him to report at his new place of posting at the 49th Battalion Pillibhit, Uttar Pradesh. The petitioner submits that the Impugned Order has been passed arbitrarily, without due application of mind, and without due consideration of the representation of the petitioner dated



22.08.2022, requesting for reconsideration of his transfer on medical grounds.

2. According to the petitioner, vide order bearing no. IV/18/SSB/Pers-II/HC/GD/2022/7777-7893 dated 22.04.2022, he was transferred to 73rd Battalion, Shergaon, Arunachal Pradesh, against which he preferred a representation dated 10.05.2022, which was however rejected by the respondent no.2.

3. Thereafter, the respondent no.2 vide another order bearing no. IV/18/SSB/HC(GD)/Pers-II/14599-404 dated 16.08.2022 cancelled the transfer of the petitioner to the 73rd Battalion and instead transferred him to the 49th Battalion.

4. Against the aforesaid posting order, the petitioner claims to have made a representation dated 22.08.2022 to the Director General, SSB, Force Headquarters, New Delhi for reconsideration of his transfer to the 49th Battalion. However vide order dated 31.08.2022, the petitioner has been relieved of his posting at New Delhi and has been instructed to join the 49th Battalion without considering his representation dated 22.08.2022. Hence, the present petition has been filed.

5. Though the relief sought in the present petition is for setting aside of order dated 31.08.2022, which has been passed subsequent upon petitioners making the representation dated 22.08.2022 to the respondent, however, during the course of hearing, learned counsel for the petitioner insisted that respondent be directed to decide his representation dated 22.08.2022.

6. Accordingly, without going into the merits of the case, we hereby dispose of the present petition directing the respondents to decide petitioner's representation dated 22.08.2022 within one week from today



and communicate the outcome thereof to the petitioner within one week of the decision taken.

7. The present petition stands disposed of. Pending applications are disposed of as infructuous.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 20, 2022/rr