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

% ***Date of decision: November 15, 2022***

+ **W.P.(C) 15704/2022**

SUB MAJ ARVIND KUMAR S. NO. JC 697856K ... Petitioner

Through: **Appearance not given**

versus

UNION OF INDIA & ORS.

.... Respondents

Through: **Mr. Ripu Daman Bhardwaj, CGSC
with Major Partho Katyayan**

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE**

J U D G M E N T (oral)

CM APPL. 48874/2022(for exemption)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

W.P.(C) 15704/2022

3. Vide the present petition, the petitioner is seeking quashing and setting aside of impugned order dated 01.11.2022 and directions to the respondents to consider the case of the petitioner vide para 594(b) of the posting policy ROI 25/2014.
4. Learned CGSC for respondents, who is appearing on advance notice, submits that as per the Posting Policy ROI 25/2014 dated 01.01.2014, the

tenure of Subedar Major is two years at a unit and in the present case, petitioner's tenure of two years is going to complete in the month of January, 2023. In view of the aforementioned policy, petitioner is not entitled to tenure of four years in his present unit.

5. Learned CGSC for respondents has drawn the attention of this Court to Annexure P-5 whereby the petitioner had made representation to the concerned authority specifically mentioning that his tenure at present unit is upto January, 2023 and had sought deferment of his posting at present unit upto April, 2023 on the ground of education of his children.

6. Case of the petitioner is that petitioner has been transferred vide communication dated 07.09.2022 wherein it is mentioned that he will be transferred shortly. Thereafter, the petitioner made representation which was dismissed vide communication dated 01.11.2022. Hence, the present petition.

7. It is not in dispute that as per Posting Policy ROI 25/2014 dated 01.01.2014, the tenure of Subedar Major is two years at one unit and which, in the present case, is going to complete in January, 2023 and vide the present petition, petitioner is seeking accommodation only upto April, 2023.

8. Learned counsel for petitioner, on instructions, submits that even if the deferment of the transfer of petitioner is given upto March, 2023, the petitioner shall manage the educational affairs of his children.

9. In view of above, without commenting much on the aforementioned Posting Policy ROI 25/2014 dated 01.01.2014, we hereby direct the respondents to defer the transfer of the petitioner from his present unit upto March, 2023.

10. It is made clear that no further extension shall be granted to the

petitioner for his transfer from present unit, on whatsoever reason.

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

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

NOVEMBER 15, 2022/rk

