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

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Date of decision: 15.09.2023

W.P.(C) 2985/2023 & CM APPL. 11647/2023

LT COL RAMANDEEP SINGH

..... Petitioner

versus

UNION OF INDIA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Krishan Kumar, Mr. K.K. Nangia, Mr. Shivam Bedi & Ms. Gargi Singh, Advocates with petitioner in person

For the Respondents:

Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat, Mr. Alexander Mathai Paikaday, Mr. M. Sriram & Mr. Krishnan V., Advocates with Ms. Archana Surve (GP) & Ms. Kholi Razukhura, Advocate & Col. Sarika, Major Deepak Ranwah & Major Partho Katyayan

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns the posting order dated 03.03.2023 whereby petitioner has been posted from Delhi to Dimapur on compassionate ground of medical illness of the parents of petitioner as also certain litigation pending between petitioner and his spouse.

2. After some arguments, learned counsel for respondents submits that in view of the direction issued by this Court, respondents have re-considered the case and agree to post the petitioner to Ferozpur, Chennai or Kolkata.

3. Learned counsel for petitioner submits that without prejudice to



the stand taken by petitioner, he is ready to accept posting to Ferozpur, Punjab reserving the rights of the petitioner to file an application for change of posting in terms of policy namely: Posting on Compassionate Ground dated 09.12.2020. He submits that in case the posting on compassionate ground is not found feasible, he reserves the right of the petitioner to seek pre-mature retirement in accordance with Rules. Learned counsel however, submits that there may be an embargo on petitioner seeking posting on compassionate ground as also pre-mature retirement for a period of six months from date of joining.

4. Learned counsel for respondents, under instructions submits that though embargo exists, however, in deserving cases waiver can be granted by the Competent Authority.

5. In view of the fact that petitioner is willing to go on posting without prejudice to his rights and contentions, we dispose of this petition directing the petitioner to join the place of posting at Ferozpur, Punjab without prejudice to his rights and contentions. The embargo on petitioner seeking posting on compassionate ground and also seeking pre-mature retirement for a period of six months from joining a new place of posting will not come in the way of petitioner making such an application in terms of the policy on 'Posting on Compassionate Ground' and/or pre-mature retirement. In case an application seeking posting on compassionate ground is filed, respondents are directed to consider the same, keeping in view, the medical condition of his parents and other conditions of the petitioner



expeditiously, preferably, within a period of four weeks of the receipt of the application.

6. In case the posting on compassionate ground does not find favour with the competent authority and petitioner thereafter files an application for pre-mature retirement, respondents shall consider the same expeditiously.

7. Learned counsel for petitioner submits that keeping in view of the fact that parents of petitioner have recently undergone a medical procedure, he would be applying to the respondents for grant of 30 days' time to join the place of posting at Ferozpur.

8. Respondent shall consider the request for leave keeping in view the admissible/available leaves of the petitioner in accordance with law.

9. Petition is disposed of in the above terms.

10. It is clarified that this order has been passed in the peculiar facts and circumstances of the case and in view of the concession given by both the parties and shall not amount to a precedent.

11. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

SEPTEMBER 15, 2023/dr