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

% ***Date of decision: 21.03.2023***

+ **W.P.(C) 3534/2023 & CM APPL. 13741/2023**

SHISHPAL SINGH

..... Petitioner

Through: Mr. A.K. Singh and Mr. Kamlesh
Kamal, Advocates

versus

UNION OF INDIA AND ANR

.... Respondents

Through: Ms. Radhika Bishwajit Dubey, Senior
Panel Counsel with Ms. Rupali, GP
and Mr. Samash Bhushan, Legal
Officer, RAF

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petition, petitioner is seeking directions to respondent No.2 to stay the impugned transfer order dated 09.02.2023 qua the petitioner, i.e. Insp/GD Shishpal Singh, Force No.025261652, vide which he has been transferred to 182 Bn. in contravention of software based transfer policy issued by the respondent No.2; to allow the petitioner to give his choice of posting in new summer chain transfer 2024 and till then, petitioner be allowed to give his service at his present place of posting.

2. Learned counsel for respondents, who is appearing on advance notice, submits that the Summer Chain Transfer has been done through SANTOS (System For Annual Transfer Over Software) and while considering the muster of an individual, various things are taken into consideration such as

para 6(b) and para 8(b) Standing Order-04/2022 dated 27.09.2022 which are reproduced as under:

6 (b) Hardship score for transfer will be based on the location of unit/establishment HQr at a particular place. The hardship score is liable to be changed depending upon the operational and other administrative consideration of the particular area. The points for home posting will be reduced as decided by Directorate.

8 (b) As CRPF is Central Armed Police Force of GoI constituted under Special Act and is tasked with important operational duties regarding maintenance of security of the nation, therefore there are certain operational and administrative requirements of the Force. In view of such requirements, any officer/official/personnel may be posted to any Unit or office at any point of time. The above policy does not create any right for any officer/official/personnel for posting to a particular place or for a particular tenure as mentioned in Para-8(a).

If during the posting of any officer/official/personnel it comes to the notice of the supervisory/senior authorities that officer/official/personnel needs to be transferred out at any time from present place due to administrative or operational reasons, then the concerned authority may transfer such officer/official/personnel at any time to a suitable place.

3. Learned counsel for petitioner submits that the transfer of petitioner has not been done out of 19 choices given by him by 'SANTOS', therefore, when his transfer was done without considering the 19 choices given by him, he made a representation dated 02.03.2023 which was rejected vide impugned order dated 02.03.2023 without giving any reason therein.
4. Case of the petitioner is that the transfer is not as 'SANTOS' has suggested the posting of the petitioner.
5. This fact has been disputed by learned counsel for respondents by submitting that transfer of petitioner has been done as per Transfer/Posting given by 'SANTOS' and accordingly, transfer order was passed subject to availability of transfer/posting.

6. We have perused the impugned order dated 02.03.2023 whereby the representation of petitioner was rejected and in the said order though it is mentioned that the respondents have considered all aspects but the request of petitioner by way of representation was not acceded to by the competent authority as the same was devoid of merits.

7. In view of the above, we hereby dispose of the present petition by directing the respondents to apprise the petitioner as to whether the transfer has been done as per 'SANTOS' or not. In case posting of petitioner was not suggested by 'SANTOS', respondents are directed to communicate the petitioner, the reasons for which his posting was not done from the 19 preferences given by him, within ten days from today.

8. It is trite law that the transfer/posting is not in the domain of Courts, however, keeping in view the averments made in the present petition, it is made clear that this order is passed in peculiar facts and circumstances and shall not be treated as precedent.

9. With the aforesaid directions, the present petition is disposed of. Pending application also stands disposed of.

Copy of order be given *dasti* under signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 21, 2023/rk