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

% *Date of decision: 28th April, 2023*

+ **W.P.(C) 5495/2023 & CM APPL. 21429/2023**

ASI GAJENDER SINGH Petitioner

Through: Mr. Anuj Sahni & Mr. S.S. Bhati, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Nirvikar Verma, Sr. Panel Counsel, Ms. Avshreya Pratap Singh Rudy, Govt. Pleder & Mr. Shantanu Verma, Advocate for UOI.

Insp./Exe. Sanjay Kumar, CISF.

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, the petitioner is seeking following reliefs:

“a.) issue a writ in the nature of certiorari by quashing the impugned order dated 24.03.2023;

b issue a writ in the nature of Mandamus directing the respondents to either retain the petitioner in the present posting or to transfer in a unit located in NCR;

c.) to pass appropriate order/writ directing the respondents to keep the transfer order of the Petitioner in abeyance till finalisation of present writ Petition or till any other date/time as directed by this Hon'ble Court.”

2. Learned counsel on behalf of the petitioner submits that the petitioner

has less than 21 months of service as on date, and at the fag end of his retirement, he has now been posted from Out of the Home Sector i.e., Indira Gandhi International Airport Unit, Airport-I, New Delhi to East Sector.

3. To substantiate the case, learned counsel for the petitioner has placed reliance on the Circular No. 22/2017 dated 25.09.2017 issued by the respondent No. 2/Director General, CISF, wherein it has been mentioned that the 4th Tenure (Remaining Service) will be in Home Sector.

4. Learned counsel for the petitioner further submits that since the petitioner is in the last tenure of his service, he is entitled to be remained posted in the Home Sector, and the Impugned Transfer Order dated 24.03.2023 is liable to be set aside.

5. It is not in dispute that the petitioner is posted in Delhi at Indira Gandhi International Airport Unit, Airport-I, New Delhi i.e., the Home Sector Posting w.e.f. 17.04.2018.

6. It has been clarified in the Circular No. 22/2017 dated 25.09.2017 that these guidelines would only serve as broad parameters for posting and transfer of CISF personnel, however, the final decision in regard to posting and transfer will rest with the competent authorities in CISF and will be governed by the operational and administrative necessities of the Force.

7. Moreover, in Paragraph-12 of the Circular No. 22/2017 dated 25.09.2017, it has been further clarified that the Out of Home Sector (OHS) and Home Sector (HS) tenure for posting in respect of NGOs are subject to availability of vacancies, operational and administrative needs and new inductions. In addition, the Home Sector posting will be considered subject to availability of vacancies in the Home Sector (vacancies would be calculated with stipulation that the Sector should not have more than 60% of

Home Sector personnel). This shall be applicable for both Home Sector tenures (2nd and 4th tenures).

8. The petitioner had made the Representation dated 29.03.2023 to the respondent No. 2/Director General, CISF regarding cancellation of his transfer or to let him remain posted in the Home Sector. However, learned counsel for the respondents submits that the Representation dated 29.03.2023 of the petitioner has been duly considered by the respondent No. 2/Director General, CISF and rejected the same *vide* Order dated 25.04.2023.

9. It is settled law that the Courts should not interfere in the matters related to transfer and posting of the Force personnel unless and until, it is so warranted in given facts and circumstances of the case. However, the present case does not fall in that category.

10. Accordingly, we find no ground to interfere with the Impugned Order 24.03.2023. Therefore, the present petition along with pending application is dismissed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

APRIL 28, 2023
S.Sharma