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

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Judgment delivered on: 08.08.2023

+ **W.P.(C) 9896/2023 & CM APPL. 38073/2023**

KRISHNA KUMAR

..... Petitioner

versus

UNION OF INDIA AND OTHERS

..... Respondents

Advocates who appeared in this case:

For the Petitioners: Mr. Raghunath Pathak and Mr. Anjani Mishra, Advocates

For the Respondents: Mr. Ajay Jain, Senior Panel Counsel with Ms. Anshika Agarwal, Mr. Krishna Sharma and Ms. Prerna Dhall, Advocates for UOI

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 22.07.2023 whereby petitioner has been posted to join a new Battalion immediately.
2. Learned counsel for the petitioner submits that petitioner was posted to Halduchaur, Uttarakhand on 11.05.2021 and is sought to be posted out before the expiry of the normal tenure of three years. He further submits that the petitioner's daughter is a student and as such the posting will disrupt her education.



3. We find no merit in the contention of learned counsel for the petitioner that petitioner should not have been posted out prior to expiry of the normal tenure of posting of three years, for the reasons that the normal period of three years is not mandatory. In case of exigencies of service and interest of the service, said period can be curtailed and posting order can be issued prior to expiry of the period of three years.

4. Respondents have sought to post the petitioner to a newly created Battalion where fresh manpower is required. Petitioner is a mason and his services are required for the newly created Battalion.

5. Petitioner has already completed over two years of his tenure in Uttarakhand. Further we may note that the daughter of the petitioner was in Class-VIII when the posting order was issued and today, she is in Class-IX and as such is not in a stage where her board examinations are likely to be affected.

6. Accordingly, we find no merit in the petition. The petition is consequently dismissed.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

AUGUST 8, 2023

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