

CWP-15629-2024
Date of Decision:
17.09.2024

Vs.
UNION OF INDIA AND OTHERS

...Respondents

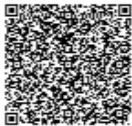
Present: Mr. Gurpreet Singh, Advocate for the petitioner.
Ms. Divya Sharma, Senior Panel Counsel/UOI.

1. In compliance of the order dated 30.08.2024, learned counsel for the respondent has handed over a sealed cover to demonstrate that the representation of the petitioner has been considered by the competent authority.

2. Learned counsel for the petitioner has reiterated his arguments as have been recorded in the earlier order dated 11.7.2024 and re-asserted his prayer that let the respondents pass a fresh order by treating the present petition as a representation and further submits that after the petitioner completes his undergoing course, he be considered for posting to a station from where he can pursue his litigation pending at Doda, Jammu and Kashmir.

3. Learned counsel for the respondent has argued that the petitioner never disclosed that any criminal case is pending against him and it was only for the first time in the present case he discloses that there are some criminal proceedings which he is pursuing. At this stage, learned counsel for the petitioner submits that liberty be granted to him to move a representation after completion of his course so that he can be posted to such place.

4. Learned counsel for the respondents submits that such a liberty cannot be granted as the positing of an official has to be accessed by considering



various factors and it is the requirement on the ground reality, the appropriate orders as to where the petitioner would be required to give his services will be pass and therefore, the decision will be taken by the competent authority at the relevant point of time.

5. In the light of above, considering the facts that the transfer is an incidence of service and Courts have to be very strict in intervening in the matter except for avoiding grave miscarriage of justice and in case of apparent violation of the Transfer Policy, coupled with the fact that the petitioner is undergoing a specialized training and had challenged the said order and also considering the fact and after going through the documents received in a sealed cover, it is clear that the authorities are aware about the position of the petitioner and after considering his request, the same has been declined. Therefore, nothing subsists in the present petition. The same being devoid of any merit is **dismissed**.

6. The documents received in the sealed cover are directed to be re-sealed by the Reader of this Court and are handed over to counsel for the respondents to be returned to the responsible officer.

7. Learned counsel for the petitioner has re-asserted that liberty be granted to move a representation after completion of his course before he is posted to anywhere and submit that he will not challenge the order on that representation and will abide by the posting. This prayer needs no direction as the petitioner always have a right to move representation and therefore no liberty or directions are required to pass in that regard.

(ALOK JAIN)
JUDGE

17.09.2024

kv

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No