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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6845/2019, CM APPL. 28551/2019 –Stay, CM APPL. 29123/2019 –Impleadment, CM APPL. 29132/2019 –Impleadment & CM APPL. 36805/2019 –Dir. by Res.

CONSTABLE MUKESH KUMAR & ORSPetitioners

Through: Mr.Amit Chawla, Adv.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr.Jivesh Kr Tiwari & Mr.A.R.Lone,
Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

12.08.2024

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1. The petitioners have approached this Court assailing the order dated 14.06.2019 issued by the respondents vide which they have been sought to be transferred from 6th Battalion to 14th and 15th Battalion.
2. While issuing notice in the petition, this Court had stayed the operation of the impugned order and consequently, the petitioners continue to serve in the 6th Battalion for the last five years.
3. Learned counsel for the petitioner submits that as per Directive No.32 issued by the Ministry of Railways on 28.12.2017, the tenure of all enrolled male members of the Railway Protection Special Force (RPSF) for inter-Battalion transfer is 10 years (5 years on request). The petitioners having been appointed on 01.08.2015, they are entitled to remain in the 6th Battalion where they are presently serving till 31.07.2025, when they will complete their ten years tenure in the



6th Battalion. He, therefore, prays that the respondents be directed to continue them in the 6th Battalion till 31.07.2025.

4. *Per contra*, learned counsel for the respondents submits that even though the petitioners did not have any indefeasible right to claim that their tenure in the 6th Battalion could not be curtailed, the tenure as prescribed under the Directive, he contends, is only recommendatory as the Directive is in the nature of guidelines and not mandatory. However, taking into account that the petitioners have served in the 6th Battalion for nine years, the respondents will now retain them for a further period of one year in the same Battalion and thereafter issue transfer orders qua them as and when required.
5. In the light of the aforesaid stand taken by the parties, we dispose of the writ petition by directing that the petitioners will be retained in the 6th Battalion till 31.07.2025, whereafter it will be open for the respondents to transfer them as per law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 12, 2024

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