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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7095/2024 & CM APPL. 29636/2024**
VIMLASH YADAV Petitioner
Through: Mr. Abhay Kr. Bhargava, Adv.

versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Vinayak Sharma, SPC with Mr.
Aakash Pathak, Govt. Pleader and
Mr. Deepak Jha, Adv

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **17.05.2024**

CM APPL. 29636/2024

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7095/2024

1. This petition has been filed by the petitioner with the following prayers:

“In the light of foregoing premises, it is being prayed that this Hon'ble Court may graciously be pleased to:

(i) Issue a writ of certiorari or any other or direction of same nature thereby calling for records and quash the impugned orders/communication dated 19.01.2024 only to the extent that the petitioner was placed at the disposal of the Western Command, the communication dated 30.01.2024 vide which the petitioner was transferred to the Kashmir BSF Frontier and the communication dated 03.02.2024 vide which the petitioner was posted to 62 BN BSF in Kashmir, Frontier and the order dated 09.02.2024 issued by the IG (PERS) FHQ BSF NEW DELHI, whereby the petitioner's representation against his transfer to SDG Western Command BSF was rejected and the movement order dated 14.05.2024 (Annexure-P1 to Annexure-P5).



(ii) Issue a writ of Mandamus or any other or direction of same nature thereby directing the Respondents to adjust the petitioner to the Water Wing, FHQ, New Delhi in view of the several communications/recommendations issued by the DIG, Water Wing, New Delhi.

(iii) Pass any other order in the interest of Justice.”

2. In effect, the petitioner is challenging his transfer vide order dated January 19, 2024 to Kashmir Frontier (BSF). Though various grounds have been urged by Mr. Abhay Kumar Bhargava, learned counsel for the petitioner including the plea of discrimination and also requirement of the petitioner in Water Wing, FHQ, New Delhi, we are unable to accept the said pleas. His plea is also that due to new academic session of his children, respondents could not have transferred the petitioner.

3. On this, learned counsel appearing for the respondents would submit that the transfer has been actually effected on January 19, 2024 much before the new academic session has commenced.

4. Having heard the learned counsel for the parties, we deem it appropriate to dispose of the writ petition directing the petitioner to join the place of posting, i.e., 62 Bn. Kashmir Front, BSF and on joining make a representation highlighting the difficulties, he may face in view of the transfer to the competent authority, who shall consider the same and decide it within four weeks of the receipt of the representation in accordance with the rules keeping in view the administrative exigencies.

5. The petition stands disposed of.

V. KAMESWAR RAO, J

TARA VITASTA GANJU, J

MAY 17, 2024/jg