



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

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Date of decision: January 29, 2024

+ W.P.(C) 11627/2021

(15) SH. DEEPAK KUMAR & ORS.

..... Petitioners

Through: Mr. Abhinav Garg and Mr. Anshul
Kumar, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Anshuman, SPC with Mr. Piyush
Ahluwalia, Advocate with Mr. Rajesh
Kr. Singh, 21/C CRPF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

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

“In the light of the submissions made and facts stated hereinabove, it is most humbly prayed that this Hon’ble Court may graciously be pleased to;

a) issue a writ of mandamus or any other appropriate writ/order or direction thereby directing the Respondent no. 1 & Respondent No.2 to pay TFR/TA as per the statutory rule which is already submitted by the Petitioner no.1.

b) Issue a writ of mandamus or any other appropriate writ/order to pay the transfer allowance to all the Petitioners along with the benefits of transfer like Joining time or other benefits as per as Central Civil Services



Rule.; and/or

c) Pass any other order(s)/direction(s) as this Hon'ble court may deem fit and appropriate in the facts and circumstances of the present case."

2. In effect, the petitioners are seeking the Transfer/ Travelling Allowance on their posting in the concerned Battalion, after the completion of Training, on the ground that posting is a transfer and hence entitled to Transfer/ Travelling Allowance.

3. We are unable to agree with the submission of the learned counsel for the petitioners for the reason, it is clear from the reading of Clauses (iv) and (vi) at page 35 of the appointment letter which reads as under that the petitioners had to undergo Basic Training, before they are given posting.

"(iv) You will have to undergo the prescribed course of basic training.

xxxxxxx

(vi) You will not be entitled for any travelling allowance for joining the post on initial appointment."

4. In the present case, an office order dated December 14, 2018 was issued after they underwent training whereby the petitioners were posted in different Battalions. Pursuant thereto one of the Battalions issued an office order, annexed at pages 44-45 which reads as under:

*"OFFICE OF THE COMMANDANT -111
BN,CRPF,KARLI,DANTEWADA,C.G.*

No.T.IX.1/2019-111-ST Dated the Jan,2019

OFFICE ORDER

Consequent on their posting to this Unit , the following



officers of DAGOs 50thBatch are hereby taken into strength of this Unit on paper strength w.e.f. 17/01/2019.

<i>SL. No.</i>	<i>IRLA No.</i>	<i>Name</i>
<i>1.</i>	<i>11336</i>	<i>Shri Avinash Kumar Deepak</i>
<i>2.</i>	<i>11362</i>	<i>Shri Banai Singh Meena</i>
<i>3.</i>	<i>11375</i>	<i>Shri C.M. Kandan Sathuvan</i>
<i>4.</i>	<i>11380</i>	<i>Deepak Kumar</i>
<i>5.</i>	<i>11364</i>	<i>Dandge Subodh Suresh</i>

*Authy: DIGP(Pers), Dte.Genl.,CRPF,New Delhi Sig No.
A.VI-1/18-Pers(AC) [50th Batch] dtd 14/12/18*

II

In Pursuance of IGP , WS signal No. C.IX -1/2019-DIG GNR-Estt.I dated 09/01/2019-DIG GNR-Estt.I dated 09/01/2019 and Trg. Dte,CRPF,New Delhi signal No.C.IX-118/2018-Trg-14 dated 11/01/2018, the following officers of DAGOs 50th batch are hereby directed to report directly at CIAT Shivpuri on 16/01/2019 (AN) after completion of 30 days E/L w.e.f. 18/12/2018 to 16/01/2019 as sanctioned vide CRPF Academy O/O No. T.IX-1/2018-Trg-DAGO-50th -Acdy dated 17/12/2018 to attend CIAT Course of DAGO's (50th batch).



<i>SL NO.</i>	<i>IRLA NO.</i>	<i>NAME</i>
<i>1.</i>	<i>11336</i>	<i>Shri Avinash Kumar Deepak</i>
<i>2.</i>	<i>11362</i>	<i>Shri Banai Singh Meena</i>
<i>3.</i>	<i>11375</i>	<i>Shri C.M. Kandan Sathuvan</i>
<i>4.</i>	<i>11380</i>	<i>Deepak Kumar</i>

*2. Above officers will report back in this unit after
completion of course .*

No.T.IX.1/2019-III-ST

*Commandant-111 Bn
Dated
the Jan ,2019*

Copy forwarded to the following for information please.

- 1. The SDG.SZ,CRPF,Hyderabad*
- 2. The IGP ,WS,CRPF,Mumbai/Director CRPF Academy
,Kadarpur.*
- 3. The IGP/Principal,CIAT shivpuri.*
- 4. The DIG,Range Gandhinagar.*
- 5. The DD (Accts), PAO , CRPF,New Delhi.*

*S/D
Commandant-111 Bn*

Internal:
1. Adjutant



2. Personal file of officers.”

5. Hence it is clear that the first posting of the petitioners was in their respective Battalions in terms of similar order as is order dated December 14, 2018.

6. So, it follows, that above being the first posting of petitioners, in view of S.R. 105 which reads as under that the petitioners are not entitled to the Travelling Allowance for undertaking the journey to join their first posting in different Battalions.

“S.R. 105. Except as otherwise provided in this section, travelling allowance is not admissible to any person for the journey to join his first post in Government service”

7. We do not see any merit in the petition, the same is dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 29, 2024/So..