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

+ **W.P.(C) 7683/2024**

**L/INSP/EXE PUSHPANJLI KUMARI FORCE NO. 062270087, PSL
NO. 2139** Petitioner

Through: **Mr. D. K. Sharma, Advocate.**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Ms. Iran Majid, CGSC with Ms.
Archana Kumari, Mr. Mohd. Suboor
and Mr. Rajesh Kumar Singh,
Advocates.**

**Mr. Vivek Sharma, Sr. Panel Counsel
with Ms. Perna Singh and Mr. Kapil
Dev Yadav, Advocates for UOI/R-1
to 3.**

SI Zishan Hashim, CISF.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **27.05.2024**

CM APPL. 32007-008/2024 Ex.

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 7683/2024 AND CM APPL. 32006/2024 Stay

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India against the orders dated 01.01.2024 and 17.05.2024 whereby the petitioner has been transferred from NISA, Hyderabad to CISF RTC, Arakkonam, and representation of the petitioner has been rejected.



2. This is the second round of litigation. The first round of litigation being W.P. (C) 5287/2024 was decided on 10.04.2024. The relevant portion of the order passed is reproduced as under:-

“2. We have heard the learned counsel for the petitioner and the respondents. It transpired that if the petitioner makes a fresh representation expressing her desire to be posted at any Airport near Kanpur, the same shall be considered by the respondents subject to availability of vacancy.

3. If that be so, learned counsel for the petitioner submits that he shall make representation within one week from today giving the options of the places to be posted which shall be considered by the respondents within four weeks thereafter and the decision be conveyed to the petitioner.

4. Till such time, the decision is taken, the respondents shall not insist upon her joining at Arakkonam. If the petitioner is aggrieved by the order to be passed by the respondents, she shall seek such remedy as available in law.”

3. The respondents have passed the impugned order 17.05.2024 rejecting the request of the petitioner for reconsideration of the transfer order. The respondents, amongst other grounds have in paragraph 9 of the order stated as under:-

“9. AND WHEREAS, she is a qualified AvSec Instructor. Accordingly, she has been transferred from NISA Hyderabad to RTC Arakkonam/Trg. HQ Delhi as an AvSec instructor vide FHQr so No.731/2023 dated 20.12.2023 and Trg HQ Delhi vide SO N6.01/2024 dated. 01.01.2024 as per operational and administrative requirement of the Force. RTC Arakkonam has been accredited as Aviation Security Training Institute (ASTI) by BCAS (Bureau of Civil Aviation Security) for Basic AvSec course. The deficiency of Instructors would affect the performance of ASTI adversely and even BCAS may withdraw the accreditation of ASTI.”

4. Having seen the order dated 17.05.2024 which according to us is a



reasoned order with due application of mind, the same depicts that the transfer of the petitioner from NISA, Hyderabad to CISF RTC, Arakkonam is in administrative exigencies. They have also held that the request of the petitioner to be posted near Kanpur cannot be acceded to as there are no vacancies. That apart, the plea of the petitioner with regard to the fact that she has completed 14 years and 8 months out of home sector and 01 year and 11 months in the home sector, she should be posted in home sector, has been dealt with in paragraphs 12 and 13 of the impugned order.

5. In totality of the facts, this Court is of the view that in the facts of this case, the transfer order of the petitioner from NISA, Hyderabad to CISF RTC, Arakkonam, being in exigencies because she is an Aviation Trainer, cannot be interfered with.

6. The petition being without merit is dismissed.

7. We take the submission of the learned counsel for the petitioner on the record that the petitioner shall join the place of posting at CISF RTC, Arakkonam as per the rules. At this stage, he submits despite stay order passed by this Court, she has not been paid salary.

8. Suffice to state on the joining of the petitioner at CISF RTC, Arakkonam as per rules, the respondent should release salary from the date when the petitioner had been relieved from NISA Hyderabad.

V. KAMESWAR RAO, J

RAJNISH BHATNAGAR, J

MAY 27, 2024

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