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

+ **W.P.(C) 8038/2024**

SANJEEV KUMAR DWIVEDY

..... Petitioner

Through: Mr. Anukul Ch. Pradhan, Sr. Adv.
with Mr. Haraprasad Sahu, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Iram Majid, CGSC with Mr.
Tarveen Singh Nanda, GP, Mr. Mohd.
Suboor, Advocates and Mr. Shiv
Kumar Singh, SI, CIRF.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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29.05.2024

CM APPL. 33053/2024 Ex.

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 8038/2024 & CM APPL. 33052/2024 Stay.

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

“A. Issue an appropriate writ, order or directions (s) in the nature of Mandamus directing the Respondent No.1 to allow the Petitioner for one year retention at present place of posting i.e 234th Bn. CRPF, at Madhurawada, Visakhapatnam, Andhra Pradesh, and set-aside the order of transfer dated 01.05.2024 issued by the respondent no.1 by which the petitioner has been transformed from office/unit of 234-Bn to IG-OPS-JHT.



B. Pass any other order or further orders as this Hon'ble Court deem fit and proper under the facts and circumstances of the case."

2. In effect, the petitioner is challenging his transfer from Visakhapatnam to Jorhat (Assam). The submission of learned counsel for the petitioner is that the petitioner has given 14 choices including Visakhapatnam, but the respondents have not considered the choices and transferred the petitioner to Jorhat. The basis to challenge the same is that the son of the petitioner is in Class 12th and as such the transfer be deferred by a period of one year till such time the son appears in 12th Board.
3. It is settled law that the transfer is an incidence of service and unless there are allegations of *malafide*, the same cannot be interfered with. Since the plea of the learned counsel for the petitioner is that petitioner has made representation to the authorities, appropriate shall be that we do not interfere with the order passed transferring the petitioner to Jorhat. Appropriate shall be the petitioner shall join the place of posting at Jorhat, simultaneously the respondent shall decide the representation dated May 02, 2024 within a period of three weeks from today and convey the decision to the petitioner.
4. The petition stands closed.

V. KAMESWAR RAO, J

DR. SUDHIR KUMAR JAIN, J

MAY 29, 2024/ib