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

+ **W.P.(C) 8606/2024 & CM APPL. 35268/2024-Stay**

SAROJ KUMARI

.....Petitioner

Through: Mr. K.K. Sharma and Mr. Harshit
Agarwal, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. P.S. Singh Advocate for CGSC
with Mr. Rajesh Kumar Singh, Legal
Officer, CRPF.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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04.07.2024

1. The present petition under Article 226 of the Constitution of India seeks to assail the order dated 16.04.2024, vide which the respondent no.4 has rejected the petitioner's representation dated 06.04.2024 seeking re-consideration of her transfer as also the Movement Order dated 01.06.2024 whereby the petitioner has been transferred from Delhi to Bengaluru.
2. Before dealing with the rival submissions of the parties, we may note the factual matrix, as necessary for the adjudication of the present case.
3. The petitioner joined the Central Reserve Police Force on 07.07.1994 as a Constable/GD and was, on 19.12.2014, promoted as Head Constable. On 05.09.2019, she was posted to 103-Bn, Rapid Action Force, Wazirabad, Delhi as Head Constable/GD where she was promoted to the rank of ASI/GD w.e.f 08.12.2021.
4. It is the petitioner's case that on 19.02.2024 the respondent issued an order transferring her from Delhi to 240(M) Bn, Bengaluru by way of a



routine chain transfer. However, before the petitioner could join her new place of posting, for which she was still to be issued a movement order, she in March 2024, started experiencing abdominal pain and burning in the pelvis, when she was in Allahabad to participate in a parade. Upon being medically examined, the petitioner was found to be suffering from burning micturition (Dysuria), for which she is presently undergoing treatment, which she would be required to undergo for at least 1-2 years. In view of her medical condition, the petitioner approached the respondent no.6 with a representation dated 06.04.2024 seeking reconsideration of her transfer to Bengaluru. This representation came to be rejected on 16.04.2024 and consequently, a Movement order was issued to her on 01.06.2024. Being aggrieved, the petitioner has approached this Court by way of the present petition, seeking setting aside of the order rejecting her representation dated 16.04.2024 as also the Movement Order dated 01.06.2024.

5. In support of the petition, the only submission of the learned counsel for the petitioner is that the petitioner is suffering from Dysuria due to which she is experiencing recurring abdominal pain and a burning sensation in her pelvis and is undergoing treatment at AIIMS, New Delhi. It is his plea that taking into account the medical problems being faced by the petitioner, her transfer at this critical stage will seriously impact her health. He, therefore, prays that the respondents ought to retain her in Delhi till her treatment is completed, especially when she has already served in various parts of the country during her long tenure of 20 years.

6. On the other hand, Mr. P.S. Singh, learned counsel for the respondents vehemently opposes the petition and submits that the respondents are justified in transferring the petitioner to Bengaluru as she



had remained in Delhi for over 5 years and the ailment from which she is suffering is not a serious ailment. In any event, she can receive appropriate medical treatment at Bengaluru, which is a metropolitan city having adequate medical facilities.

7. Having considered the submissions of the learned counsel for the parties, we may begin by noting that the petitioner has, in terms of the impugned movement order, already joined her new place of posting at Bengaluru. Though the petitioner is seeking deferment of her posting grounds, nothing has been brought on record to show that the ailment from which the petitioner is suffering is of such a nature that she cannot receive appropriate treatment at Bengaluru where she has already joined. Further, the petitioner has already remained in Delhi for the past five years and is being transferred to a city where she will be able to receive all appropriate medical treatment as and when required. We therefore, do not find any reason to interfere with the petitioner's posting.

8. For the aforesaid reasons, we find no merit in the writ petition which is, along with the accompanying application, dismissed.

REKHA PALLI, J.

SHALINDER KAUR, J.

JULY 4, 2024
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