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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8607/2024 & CM APPL. 35270/2024-Stay**
REKHA DEVI AND ANRPetitioner
Through: Mr. K.K. Sharma and Mr. Harshit
Agarwal, Advs.
versus
UNION OF INDIA AND ORSRespondents
Through: Mr. Syed Abdul Haseeb, CGSC for
UOI.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
04.07.2024

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1. By way of the present petition under Article 226 of the Constitution of India, the two petitioners are seeking to impugn the order dated 23.02.2024 whereby their representation seeking reconsideration of their transfer to Silchar, Assam has been rejected. The petitioners are also aggrieved by the rejection of their request for grant of extension at their present place of posting for one year.
2. The petitioner nos. 1 and 2 joined the Central Reserve Police Force (CRPF) on 25.02.2000 and 04.07.2003 respectively. It may be noted that the petitioner no. 1 is the wife of petitioner no. 2. After being posted to different stations, while the petitioner no. 1 was transferred to 103 Battalion Rapid Action Force (RAF), Wazirabad, Delhi on 18.06.2010, petitioner no. 2 was transferred to the same unit on 24.02.2019. Since then, both the petitioners have been posted at this location in Delhi.
3. As both the petitioners are working as Head Constable (GD), the respondents' in their endeavour to ensure co-location of the petitioners at the



same station have vide their order dated 19.02.2024 transferred both the petitioners to Silchar, Assam. The only submission of the learned counsel for the petitioners is that petitioner no. 2 is suffering from 30% disability due to an injury in his left eye and therefore ought not to be posted to any hard area. In support of his plea he draws our attention to the opinion dated 01.11.2023 given by the specialist at Unit Hospital, 103 Battalion RAF/CRPF, Wazirabad, Delhi wherein it has specifically observed that petitioner no. 2 is fit for light duties in static places only. He, therefore, contends that both the petitioners ought to be retained either in Delhi or any nearby place.

4. On the other hand, Mr. Syed Abdul Haseeb, learned CGSC who appears on advance notice, opposes the petition and submits that the petitioners are trying to mislead this Court by urging that they are being posted to a hard area. Silchar, where both the petitioners have been transferred is a static posting, he contends. Furthermore, the petitioners have already remained in Delhi for many years and it is only taking into account the medical condition of petitioner no. 2 as also their request for co-location posting that they have been transferred to Silchar. He submits that taking into account that Silchar is a static posting, the petitioner no. 2 will be able to get adequate medical treatment there as and when required by him. Finally, he contends that since the petitioners have already been relieved from their place of posting at Delhi on 25.06.2024, the present petition has been rendered infructuous. He, therefore, prays that the writ petition be dismissed.

5. Having considered the submissions of the learned counsels for the parties and perused the record, we find that the only ground on which the



present petition has been filed is that since the petitioner no. 2 is suffering from 30% medical disability and as per medical opinion, he is required to be posted only in a static area, he could not be transferred to Silchar, Assam which the petitioners claim is a hard area.

6. On the other hand the respondents have categorically stated that Silchar, Assam is a static station. The petitioners have not filed any document in support of their bald plea that Silchar is a hard area. We, therefore, find no reason not to accept the stand taken by the respondents that Silchar is a static station. Furthermore, taking into account that both the petitioners have already served in Delhi for long periods, we do not find any infirmity in the decision of the respondents to post them to Silchar, Assam a static station.

7. The writ petition along with pending application is, accordingly, dismissed.

REKHA PALLI, J.

SHALINDER KAUR, J.

JULY 4, 2024
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