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

+ W.P.(C) 9064/2024 & CM APPL. 37066/2024 -Stay.

CM APPL. 37067/2024 -Ex.

NR-21406F LT COL RITU PANT

.....Petitioner

Through: Mr. Sanat Kumar, Sr. Adv.with Mr.
Sunil Kumar Jha, Mr. Vinayak Natta, Mr.
Yogendra Verma, Advs. with petitioner in person.

Versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Virendra Pratap Singh Charak,
SPC with Mr. Chetan Jadon, G.P. and Ms Shubhra
Parashar, Adv. with Major Anish Muralidhar, Lt.
Col. Vivekananda Saroj from Army and Lt. Col.
Mahua Upadyay and Col. Kiron Jeet from MNS
for R-1 to R-5.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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05.07.2024

1. The petitioner has approached this Court under Article 226 of the Constitution of India seeking the following reliefs:

“ (a) Quash the impugned transfer order no.B/7003 4/FP /DGMS-4 A(ii) dated 30.05.2024 (ANNEXURE-P-8) in respect of the petitioner at serial no. G) page no. 2 being



arbitrary, malafide and in violation of the Posting Policy dated 16.01.2023 (ANNEXURE-P-9) and Govt. of India OM dated 08.10.2018 (ANNEXURE-P-12);

(b) Direct the respondents to allow the petitioner to complete her tenure at the present posting place i.e. Armed Forces Clinic or re-consider her application for posting at Base Hospital at Lucknow sympathetically;

(c) Pass such other/further order as this Hon'ble Court may deem fit in the facts and circumstances of the present case.

2. After some arguments, learned senior counsel for the petitioner, on instructions from the petitioner, who is present in the Court, submits that since the impugned transfer order dated 30.05.2024 is likely to result in the displacement of her two daughters who are studying in Delhi, she may be granted time till 15.09.2024 to make appropriate arrangements for her daughters before joining her new place of posting. Even though this request for grant of time by the petitioner is vehemently opposed by the learned counsel for the respondents who submits that since the officer who will replace the petitioner at Delhi, has already joined, it would not be possible for the respondents to accommodate the petitioner in Delhi any further.
3. Having considered the submissions of learned counsel for the parties, even though we find no reason to interfere with the impugned order, taking into account that the petitioner undertakes to join at her place of posting at Udhampur on or before 15.09.2024, we are of the view that it will be in the interest of justice to grant her some additional time to join her new place of posting.



4. We, accordingly, dispose of the writ petition by granting the petitioner time till 15.09.2024 to join at Command Hospital, Udhampur in terms of the impugned order. In the meanwhile, the respondents will permit the petitioner to render her services at Delhi.
5. We, however, make it clear that this order is being passed in the peculiar facts and circumstances of the case and we expect the petitioner to abide by her undertaking given to this Court to join at Command Hospital, Udhampur failing which it will be open for the respondents to seek legal recourse as permissible in law.
6. The writ petition alongwith the pending applications stand disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 5, 2024

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