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

+ **W.P.(C) 9242/2024, CM APPL. 37866/2024-Stay.**

SUBEDAR YADAV

.....Petitioner

Through: **Ms. Saahila Kaur Lamba, Adv.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Ms. Avshreya Pratap Singh Rudy,
SPC with Mr. Laavanya Kaushik, GP
for UOI.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

09.07.2024

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1. The petitioner, who is working as a Sub Inspector/ Radio Operator with the Border Security Force has approached this Court under Article 226 of the Constitution of India seeking quashing of the signals dated 06.06.2024 and 25.06.2024 vide which he has been transferred from New Delhi to North Bengal Frontier.
2. After some arguments, learned counsel for the petitioner submits that the petitioner will be satisfied in case this Court were to grant him three months time to join at his new place of posting in terms of the impugned order.
3. Issue notice.
4. Ms. Avshreya Pratap Singh Rudy, learned counsel for the respondents



accepts notice and opposes the petition by contending that the petitioner's wife is also working in the BSF and continuous to be posted at New Delhi and can therefore easily take care of the petitioner's domestic problems, based on which he is seeking deferment of posting.

5. Having considered the submissions of the learned counsel for the parties and perused the record including the recommendations made by the IG, Air Wing, FHQ, New Delhi for the petitioner's retention in Delhi for one year, we are of the view that it will be in the interest of justice to grant the petitioner three months time to join at his new place of posting i.e. the North Bengal Frontier.

6. The writ petition is accordingly disposed of by granting the petitioner time till 10.10.2024 to join at his new place of posting in terms of the impugned signal. It is, however, made clear that this order is being passed in the peculiar circumstances of this case and upon noting the undertaking given by the petitioner through his counsel that he will report at his new place of posting in North Bengal Frontier on or before 10.10.2024.

7. We further make it clear that in case, the petitioner does not abide by his undertaking noted hereinabove, it will be open for the respondents to take appropriate action against him as per law.

REKHA PALLI, J.

SHALINDER KAUR, J.

JULY 09, 2024/ss