



\$~40

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 10231/2024 & CM APPL. 41970/2024 –Stay

ANURAG KUMAR

.....Petitioner

Through: Mr.Amit Anand Tiwari, Sr. Adv. with
Ms.Vatsala C Chaturvedi, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr.Ankit Raj & Mr.Amit Acharya,
Advts.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

20.08.2024

%

1. The petitioner who is serving as a Deputy Commandant with the Border Security Force and is presently posted with the Law Directorate, Frontier Headquarter, Delhi has approached this Court assailing the order dated 19.07.2024 vide which he has been transferred to the Frontier Headquarter, Tripura.
2. On the last date, taking into account the petitioner's plea that his son is presently studying in Class XII, we had granted time to learned counsel for the respondents to obtain instructions as to whether this aspect had been taken into consideration while issuing the impugned order.
3. Today, he submits that the fact that the petitioner's son was a student of Class XII had never been brought to the notice of the respondents by him and was therefore, not taken into account while issuing the



impugned order. He, however, does not dispute this claim of the petitioner that his son is presently studying in Class XII. If that be the position, we are of the considered view that it is a fit case where the respondents should reconsider the petitioner's posting by taking into account this aspect.

4. We, accordingly, dispose of the writ petition by granting the respondents six weeks' time to consider the petitioner's case afresh for posting him to an appropriate place. We further direct that till a fresh decision is taken by the respondents regarding the petitioner's posting and for one week thereafter, the impugned order will not be given effect to, so as to enable the petitioner to seek legal recourse in case, the need so arises.
5. Needless to state, this Court has not expressed any opinion on the other grounds raised in the petition and therefore, in case, the petitioner is aggrieved by any order passed by the respondents, it will be open for him to seek legal recourse on all grounds as permissible in law including grounds raised in the present petition.
6. The writ petition is, accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 20, 2024

kk