



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

% Date of decision: January 10, 2024

+ W.P.(C) 15524/2023 & CM APPL. 62167/2023 and
CM APPL. 62168/2023

(39) SUB MAJ NARINDER KUMAR Petitioner
Through: Major Piyush Thakran, Adv.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Gigi C. George, Adv. with
Mr. Akash Meena, Govt. Pleader with
Major Partho Katyayan for UOI.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 62168/2023

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 15524/2023

1. This petition has been filed by the petitioner with the following prayers:

“In view of the facts and circumstances mentioned herein above, it is most humbly and respectfully prayed that this Hon'ble Court may be pleased to:

(a) Issue a writ of Mandamus directing the respondents to cancel the posting of the petitioner to 623 EME Bn as well as



the movement order as issued to the petitioner and allow him to proceed on retirement from 657 EME Bn.

(b) Stay the operation of the impugned movement order dated 26 Jun 2023 as issued by the respondents.

(c) Direct 657 EME Bn to carry out all the necessary relevant documentation of the petitioner till the pendency of the present Writ petition.

(d) Direct the respondents not to forward any of the documents of the petitioner from 657 EME Bn to 623 EME Bn.

(e) Any others/further direction as this Hon'ble court may deem fit in the facts and circumstance of the case."

2. The petitioner was enrolled as a Sepoy in the Corps of EME of the Indian Army in the year 1992. On July 11, 2021, the petitioner was posted in 657 EME Battalion in Manipur. On November 11, 2022, the petitioner was transferred to 623 EME Battalion at Ranchi.

3. It is the case of the petitioner that his transfer to 623 EME Battalion at Ranchi was before the completion of normal tenure of two years.

4. It is the case of the petitioner that he is demitting office on attaining the age of superannuation on February 29, 2024. It is also the case of the petitioner and accepted by the respondents that on December 27, 2022, the posting of the petitioner at 657 EME Battalion, Manipur was extended in order to ensure that the petitioner completes his normal field tenure of two years, with the out date being July 1, 2023. On July 26, 2023, the petitioner was given the movement order by 657 EME Battalion, Manipur to proceed for permanent posting at 623 EME Battalion at Ranchi.

5. It is also the case of the petitioner that on June 5, 2023, the petitioner was nominated for a course at National Institute of Electronics and



Information Technology, New Delhi. The said course commenced on July 26, 2023 to be continued till December 22, 2023. It is further the case of the petitioner that the said course has been extended till February 4, 2024.

6. The submission of the learned counsel for the petitioner is, as the petitioner is retiring on February 29, 2024 and the course shall continue till February 4, 2024, no purpose shall be achieved by giving effect to the transfer order to 623 EME Battalion at Ranchi, as he would be left with only four days, as during the last 20 days he is required to be present at Secunderabad, to complete the documentation in respect of pensionary benefits. It is his submission that once he reports to 623 EME Battalion at Ranchi, documentation for the release of pension may get delayed. So, he prays, the transfer of petitioner to 623 EME Battalion at Ranchi be set aside and the petitioner be allowed to continue in 657 EME Battalion, Manipur, so that in terms of the regulations, he can report to EME Centre, Secunderabad where the discharge drill for release of pension can be undertaken.

7. On the other hand, learned counsel appearing for the respondents though agreeing with the submissions advanced by the learned counsel for the petitioner, would submit that, since an order of transfer has been issued to 623 EME Battalion at Ranchi, he should report to that place.

8. Noting the above position, we are of the view that, in the interest of justice and in the facts of this case, the transfer order of the petitioner to 623 EME Battalion at Ranchi is cancelled. The petitioner shall continue to be on the rolls of the 657 EME Battalion, Manipur and he shall report to 657 EME Battalion, Manipur after the culmination of the course in New Delhi. Further action shall be taken by the respondents in accordance with the regulations.

9. The petition is disposed of.



2024:DHC:182-DB



CM APPL. 62167/2023

Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 10, 2024/jg

Signature Not Verified

Digitally Signed By ASHEESH
KUMAR YADA
Signing Date: 12.01.2024
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W.P.(C)15524/2023

Page 4