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

+ **W.P.(C) 11036/2024, CM APPL. 45604/2024 –Stay**

DHIRENDRA SINGH

.....Petitioner

Through: **Mr. Abhay Kumar Bhargava, Adv.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Farman Ali, SPC with Mr. Shivangi and Ms. Usha Jamnal, Adv. with Mr. Hemendra Singh, Commandant Law.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

09.08.2024

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1. The petitioner has approached this Court under Article 226 of the Constitution of India assailing the order dated 29.06.2024 vide which he has been detached from the ICT Department at New Delhi where he was temporarily attached and has been directed to report at the Headquarters of 132 Bn BSF.

2. Learned counsel for the petitioner submits that one of the petitioner's sons is in Class XII and the younger son is suffering from epilepsy and therefore, in terms of their own policy, the respondents ought to defer his posting till April 2025. He further submits that though the petitioner has already submitted a representation on 07.11.2023 for cancellation of the impugned order, the respondents have till date not responded to the same, compelling him to approach this Court.



3. Issue notice. Mr. Farman Ali, learned counsel who appears on advance notice, accepts notice on behalf of the respondents. He does not dispute that the petitioner's representation dated 07.11.2023 has still not been decided.

4. In these circumstances and taking into account the grounds raised by the petitioner, we are of the view that in the first instance the respondents should consider the petitioner's representation compassionately.

5. We, therefore, dispose of the petition by directing the respondents to decide within two weeks the petitioner's representation dated 07.11.2023 by passing a reasoned and speaking order. Needless to state that while considering the petitioner's representation, the respondents will take into account the Posting/Transfer of Officers-Instructions the SOP dated 18.05.2010 pertaining to transfer of officers of the BSF. We further direct that in case the petitioner's request for cancellation of the impugned order is not accepted, the said order will not be implemented for a period of one week in order to enable the petitioner to avail of legal remedies, if necessary.

REKHA PALLI, J.

SHALINDER KAUR, J.

AUGUST 9, 2024
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