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

+ **W.P.(C) 11963/2024**

LOKESH KR. ARYA

.....Petitioner

Through: **Mr. Ankur Chhibber, Adv.**

versus

UNION OF INDIA AND ORS

.....Respondents

Through: **Mr. Jaswinder Singh, SPC with Mr. Vivek Nagari, Adv. and ASI Kanhaiya, ITBP.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

29.08.2024

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CM APPL. 49777/2024 –Ex

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 11963/2024 & CM APPL. 49776/2024 –Stay.

3. The petitioner, who is serving as a Head Constable in the Indo-Tibetan Border Police (ITBP), has approached this Court assailing the order dated 28.02.2024 as modified on 06.07.2024 vide which he has been transferred from 22nd Battalion, New Delhi to the 53rd Battalion at Chittoor, Andhra Pradesh. The petitioner also assails the order dated 16.08.2024 vide which he has been relieved from 22nd Battalion, New Delhi.
4. Learned counsel for the petitioner submits that the respondents, despite being well aware of the fact that the petitioner's mother is seriously ill and has to undergo a surgery in September, 2024, have rejected his request for his further retention in Delhi. He, therefore, prays that the respondents be directed to defer the petitioner's posting order for a period of



six months.

5. Issue notice.

6. Mr. Jaswinder Singh, learned counsel accepts notice on behalf of the respondents.

7. After some arguments, learned counsel for the respondents submits, on instructions that the respondents are agreeable to the petitioner, being retained at 22nd Battalion, New Delhi till 31.12.2024. The petitioner, who is present in Court, undertakes to report at his new place of posting on or before 01.01.2025.

8. In the light of this stand taken by the parties, we are of the view that four months time should be sufficient for the petitioner to take care of all his pressing family problems as highlighted in the petition. We, therefore, dispose of the petition by taking on record the aforesaid statement made on behalf of the respondents and directing that the petitioner would be permitted to continue the service at 22nd Battalion, New Delhi till 31.12.2024. Since the petitioner already stands released from 22nd Battalion, he is directed to report at 10:00 AM on 30.08.2024 at his Unit at 22nd Battalion, Sangam Vihar, New Delhi.

9. It is made clear that in case the petitioner does not report at his new place of posting on or before 01.01.2025, it will be open for the respondents to initiate not only appropriate disciplinary action against the petitioner but also contempt proceeding against him, as per law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 29, 2024/ss