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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12615/2024, CM APPL. 52424/2024 (stay)**
NAGENDRA TIWARIPetitioner
Through: Mr. Adarsh Kumar Tiwari, Adv.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Hemandra Singh, DC, BSF.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
10.09.2024

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1. By way of the present petition under Article 226 of the Constitution of India, the petitioner has approached this Court assailing an undated communication bearing no. 103/2024 which, he submits, he had on 29.08.2024 received through WhatsApp informing him that he had vide order dated 25.06.2024 been transferred from DG Transport, Delhi where he was presently attached, back to Vahini Battalion.
2. Learned counsel for the petitioner submits that a perusal of the order dated 25.06.2024 shows that his name was not included in the list of personnel transferred through the said order and therefore, the impugned order received by him on 29.08.2024 was liable to be set aside on this ground alone.
3. Mr. Hemandra Singh, Deputy Commandant fairly concedes that the impugned order dated 29.08.2024 incorrectly refers to the order dated 25.06.2024 in which the petitioner's name does not find mention. He,



however, submits that the petitioner has been transferred vide a subsequent order dated 19.08.2024. He, therefore, submits that the impugned order dated 29.08.2024 will be withdrawn and the respondents will serve the petitioner with a fresh transfer/movement order, as the case may be.

4. In the light of the aforesaid stand taken by the respondents, nothing further survives for adjudication in this writ petition, which is accordingly disposed of.

5. We, however, make it clear that as and when the respondents serve the petitioner with a fresh transfer/movement order, it will be open for him to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 10, 2024/ss