



2024:DHC:9354-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 03.12.2024

+ W.P.(C) 16557/2024 & CM APPL. 70033/2024
DR VINOD KUMARI

.....Petitioner

Through: Mr.Gautam Narayan, Sr. Adv.
with Ms.Asmita Singh,
Mr.Punishk Handa,
Mr.Shrutanjaya Bhardwaj,
Mr.Omkar Hemanth, Ms.Siddhi
Nagwakar, Ms.Harshita Verma,
Advs.

versus

SASHASTRA SEEMA BAL AND ANR.Respondents

Through: Mr.Rakesh Kumar, CGSC,
Mr.Sunil, Adv with SI
Shrabanta Sarkar.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE GIRISH KATHPALIA

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner praying for a direction to the respondents to post the petitioner in New Delhi until the end of the current academic sessions (March, 2025) of her daughter who is currently studying in the 9th standard, and thereafter, post the petitioner at Jammu & Kashmir so as to enable her to avail of the GPRA Quarter or in the alternate post, the petitioner at Jammu & Kashmir forthwith.

2. As a brief background, it is the case of the petitioner that she is



a single mother of a daughter who is currently studying in the 9th standard at the Navy Children School, Chanakya Puri, New Delhi. By the Transfer Order dated 25.10.2024, the respondent no.1 has transferred her to 55 Bn, Pithoragarh (Nepal Border). The petitioner made a representation against the said transfer, however, the same has been rejected by the Competent Authority *vide* the Impugned Order dated 27.11.2024. Feeling aggrieved, the petitioner has approached this Court.

3. This petition was first listed before this Court on 02.12.2024. The following undertaking of the petitioner was recorded and the learned counsel for the respondents was called upon to seek instruction if some relief can be granted to the petitioner:

“1. The learned senior counsel for the petitioner confines his prayer only to an extension of the tenure till the time the daughter of the petitioner who is studying in class 9th completes her academic year which would end sometime in March, 2025. He submits that the petitioner will not claim any equity or right if such an extension is granted. She would also not claim any right to the General Pool Residential Accommodation (GPRA) because of such extension.”

4. The learned counsel for the respondents, on instruction, submits that as the petitioner has been posted in Delhi for the last more than nine years, her request for further extension cannot be acceded to.

5. We have considered the submissions of the learned counsels for the parties.

6. We are aware of the restrictions on the power of the Courts in interfering with the transfer orders. Transfer Orders can be interfered



with only in exceptional circumstances. In the present case, though it cannot be denied that the petitioner has stayed in Delhi for more than nine years, it is also her case that there are other officers who have been posted in Delhi for a longer period. She has given details of those officers in the petition. It is also not disputed that she is a single mother and her daughter is presently studying in 9th standard. Uprooting the daughter in the middle of the academic year would cause immense prejudice to her study.

7. Keeping these peculiar facts in mind and without this being treated as a precedent, we direct the respondents to postpone the posting of the petitioner to 55 Bn, Pithoragarh (Nepal Border) in terms of the Transfer Order dated 25.10.2024 till 31.03.2025. We make it clear that the petitioner shall claim no equity or right for her further continuation at New Delhi due to our present order. The petitioner shall file an undertaking before this Court within a week from today, to the effect that she would join her transfer posting on or before 02.04.2025, and she would not seek further extension of her posting at New Delhi, and she would also not claim any right to residential accommodation only because of the extension granted by this Court.

8. However, we further make it clear that the petitioner on joining her transferred post, may, in accordance with the rules, make a representation to the respondents for her re-transfer, which shall be considered by the respondents in accordance with law. We make it clear that we have not expressed any opinion on the representation that may be made by the petitioner and our order passed today should in no manner influence the respondents in taking any decision on any



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representation that may be made by the petitioner.

9. It is made clear that in case the undertaking as directed above is not filed within a period of one week, the present order shall stand withdrawn automatically and the present writ petition shall be treated as dismissed.

10. With the above direction, the present petition is disposed of. The pending application is also disposed of as being infructuous.

11. *Dasti.*

NAVIN CHAWLA, J

GIRISH KATHPALIA, J

DECEMBER 3, 2024/Arya/DG

Click here to check corrigendum, if any