



2025:DHC:1049-DB



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

Date of decision: 19.02.2025

+ W.P.(C) 2126/2025

SGT ROCKEY ANGRAL SERVICE NO 936781 T

.....Petitioner

Through: Mr.Raj Kumar and
Mr.Devendra Kumar, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.P. S. Singh, SPC with
Mr.Jitendra Kumar Tripathi, GP
for UOI
Sgt Vikash Kumar, IAF and Sgt
Anil Baloda, IAF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 10050/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 2126/2025 & CM APPL. 10049/2025

2. This petition has been filed by the petitioner, challenging the Orders dated 26.06.2024 and 07.11.2024, by which the representation of the petitioner for screening from posting on compassionate grounds has not been accepted by the Competent Authorities of the respondents.

3. It is the case of the petitioner that the petitioner is working as an



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Air Warrior in the Indian Air Force and is posted at 18 Wing, Air Force Station, Pathankot, with effect from 02.08.2021. In terms of the Human Resource Policy issued *vide* letter dated 24.11.2022, the restricted posting period at the said station is five years. The petitioner, however, even prior to the completion of the said tenure, was posted out to 2 Sqn Tezpur, Assam. The petitioner submitted representations against the same, however, the same have been rejected by the Impugned Orders.

4. The petitioner alleges that his wife was diagnosed with an ovarian cyst, for which she had to undergo surgery and, as a result, lost a child in her womb. The petitioner was later blessed with a baby child, however, the child has been diagnosed with a dangerous level of Jaundice. The petitioner himself is almost blind in his left eye and has a vision of 6/36 in the right eye, and it has been opined by the Medical experts that there is no chance of improvement in his vision.

5. The petitioner, therefore, prays that the respondents should be directed to consider the case of the petitioner sympathetically and the petitioner should be allowed to complete his minimum tenure at 18 Wing, Air Force Station, Pathankot.

6. Issue notice.

7. Notice is accepted by Mr.P. S. Singh, the learned counsel for the respondents.

8. He, on instructions, submits that the petitioner was posted at 18 Wing, Air Force Station, Pathankot, on his own request, and, in terms of the policy letter dated 24.11.2022, the tenure for such a posting is



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only two years. Even upon completion of the said tenure, the petitioner was screened for a further period of one year from further posting, which period also expired in July 2024. The petitioner has till date not reported at his new place of posting. He submits that the case of the petitioner has been considered by the concerned authorities and due to human resource constraints, has not acceded to it.

9. We have considered the submissions made by the learned counsels for the parties.

10. As has been contended by the learned counsel for the respondents, the petitioner was posted for a period of two years, at his own request, at 18 Wing, Air Force Station, Pathankot, and even thereafter, was granted a one-year further extension in the form of screening, which period has also expired. In view of the same, we are not inclined to interfere with the administrative posting decision of the respondents to post the petitioner to Assam.

11. We have also been informed that full medical facilities are available at the new place of posting in the form of 155 Base Hospital.

12. Keeping in view the peculiar facts of the present case and the condition of the petitioner, however, we direct that on the petitioner submitting an undertaking within a period of one week from today to the respondents, agreeing to join his new place of posting on or before 31st March, 2025, no administrative action shall be taken against the petitioner for failing to join his new place of posting earlier.

13. It is, however, made clear that no further extension shall be granted to the petitioner for joining the new place of posting on any



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ground whatsoever.

14. With the above direction, the petition is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 19, 2025/sg

Click here to check corrigendum, if any