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

+ W.P.(C) 5079/2026

SUMIT KUMAR

.....Petitioner

Through: Mr. S.K. Vashistha, Advocate.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Sandeep Tyagi, Senior
Panel Counsel with Mr. Rahul
Bhaskar, Government Pleader
and OS Manoj Kumar.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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17.04.2026

CM APPLs. 24928-30/2026

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

W.P.(C) 5079/2026 & CM APPL. 24927/2026

3. The present petition has been filed under Article 226 of the Constitution of India, essentially seeking quashing of the Impugned Transfer Order dated 18.05.2023, passed by the Respondent No. 3, *vide* which the Petitioner was directed to be transferred/posted to Kashmir Valley, along with Orders dated 05.06.2024, 21.01.2026 and 30.03.2026 *vide* which the Petitioner was declared medically fit for such a transfer. The relief sought is reproduced hereinbelow: -

“ PRAYER:

It is, therefore, most humbly prayed that this Hon'ble Court may most graciously be pleased:-

- i. *to issue writ(s), order(s), direction(s) more in the nature of writ of certiorari there by quashing the impugned order dated 18.05.2023 passed by the*



- office of respondent no.3 whereby the respondent no.3 directed the petitioner to proceed on posting to Kashmir valley and order dated 05.06.2024 and order dated 21.01.2026 (order not supplied) passed by the respondent no.6. whereby the respondent no 6 had declare the petitioner fit for duty under pressure from respondent no.2, 3 and 5 by ignoring medical protocol and rules;*
- ii. to issue writ(s), order(s), direction(s) more in the nature of writ of mandamus to direct the respondent no.5 & 6 to ascertain the medical category of the petitioner through some independent institute on the basis of medical examination report dated 30.04.2025 submitted by RML Hospital;*
 - iii. to issue writ(s), order(s), direction(s) more in the nature of writ of mandamus to respondent no.2 to decide the period of suspension of the petitioner from 22.10.2016 to 19.07.2017 as per rule with its consequential effect;*
 - iv. to issue writ(s), order(s), direction(s) more in the nature of writ of certiorari there by quashing the impugned order dated 01.04.2026 passed by respondent no. 04 whereby the petitioner was spared for posting to Kashmir, order dated 30.03.2026 passed by the respondent no.3 whereby the representation of the petitioner was considered devoid of merits and letter dated 08.04.2026 passed by respondent no. 07 whereby the petitioner was directed to report immediately at Kashmir valley;"*

4. As per the record, the Petitioner was transferred in the year 2023 and this is the 3rd attempt by him to stall his transfer to Kashmir, on medical grounds. The first writ petition bearing W.P. (C) No. 10251/2024 was filed by the Petitioner, before this Court, assailing the transfer orders, which was disposed by this Court *vide* order dated 28.11.2024, with the following observations: -

"6. The challenge of the petitioner to his transfer is, therefore, rejected. The petitioner must join his posting on transfer within a week from today. However, this Order will not prejudice the petitioner from making a fresh request to the respondents for the medical examination and for re-consideration of his posting."



5. Review Petition No. 479/2024, was filed against the above order, and this Court, *vide* Order dated 13.12.2024, directed RML Hospital to assess the Petitioner by constituting a medical board.

6. Consequently, the Report dated 30.04.2025, was submitted by the RML Hospital before this Court. After perusal of the same, the above Review Petition was disposed *vide* order dated 02.05.2025, with directions to the Competent Authority to consider the above report and decide the matter of transfer/posting of the Petitioner.

7. As per Order dated 01.04.2026 it emerges that the report of Medical Board of RML was forwarded to office of Sr. SC/DBSI, which reflected that the physical condition of the Petitioner was normal and he was found physically fit. Hence, after considering the Representations of the Petitioner, the Competent Authority directed compliance of the transfer orders and the petitioner to join further duties at Kashmir Valley as he was already spared by DBSI on 05.12.2024 and Sr. SC/SINA was directed to regularize the suspension period of petitioner after his joining at Kashmir Valley.

8. The Petitioner did not join his duties, instead preferred a second Writ Petition bearing W.P. (C) No. 15293/2025. The Respondents, in compliance of orders of this Court, further sought opinion of the Railway Medical Authority on the medical report issued by RML Hospital after conducting the medical examination of Petitioner. Pr. CMD/ NR *vide* letter dated 21.01.2026 intimated that: -

“The orthopaedic surgeon, NRDH/ Delhi, has opined that after going through the medical board findings of employee Sh. Sumit Kumar done at RML hospital, dated 30.04.2025, he is FIT for duty in his original medical category Bee-one.”

9. Considering the above, this Court, *vide* order dated 03.02.2026,



passed the following directions: -

“5. The question is whether the petitioner should continue to be posted at Srinagar or the respondents must consider his posting elsewhere because of medical reasons.

6. It has been agreed by the learned counsel for the parties that the representation given by the petitioner for change of posting be decided .by the respondents within a period of four weeks by taking into consideration medical reports including the medical report submitted by the Ram Manohar Lohia Hospital dated 31.01.2026.”

10. The Railway Medical Officer vide letter dated 03.02.2026 declared the Petitioner fit for duty in his original medical category Bee-One, in reference to the medical examination conducted by RML Hospital. A detailed speaking order dated 30.03.2026, deciding the representation of the Petitioner, was passed with the following conclusion: -

“29. The personal interest of any member of the Force shall always be subordinate to the public interest. Transfer is an incidence of service, and an employee has no vested right to remain at a particular-place. The public interest of upholding the transparency and probity in public life will be adversely affected, if the petitioner is allowed to continue in his present place of posting (Delhi) only to serve his individual interest.

30. Being a member of a uniformed force, the petitioner is expected to adhere to a high standard of discipline, prompt obedience, and readiness to serve at any place as required by the organization. The repeated non-compliance of lawful transfer orders, despite clear judicial findings and medical fitness certification, cannot be justified on any tenable grounds.

31. Upon careful consideration of the entire material on record, the following is observed:

a) The petitioner has been declared medically fit by both the Medical Board of RML Hospital and the competent Railway Medical Authority.

b) No rule, policy, or medical condition justifying exemption from posting to Kashmir Valley has been



established.

c) The petitioner has repeatedly failed to comply with lawful transfer orders.

d) The earlier observation regarding joining at "Srinagar" stood corrected by the Hon'ble Court. The petitioner resumed duty on 03.02.2026 at the same place from where he was spared for transfer on 5.12.2024 i.e Dayabasti Reserve Line, New Delhi 32.

In compliance with the direction of Hon'ble High Court, after having gone through the objective consideration of the entire matter, including, the medical records placed on file and the applicable statutory provisions and policies governing transfer/service conditions, it is observed that the petitioner has been given adequate opportunity and due consideration at multiple stages. The issue of medical fitness has been conclusively examined and on the basis of report of the medical board of RML hospital, the competent railway medical authority has declared the petitioner fit for duty in his prescribed medical category. Hence, in view of the rules/ guidelines etc and circumstances of the instant case, mentioned above, the request of the petitioner for quashing his transfer order of KV on medical ground is not tenable. The undersigned is of the opinion that the present petition/ representation preferred by petitioner Sumit Kumar in connection with his cancellation of transfer to KV is devoid of merit. hence not considered."

11. The scope of judicial review in transfer and posting matter is well delineated. Since, transfer is not only an incident but also a condition of service (in a transferable post), an employee has no fundamental right or a vested right to claim a transfer or posting of their choice. Even otherwise, personal difficulties/ inconveniences are matters specifically for consideration by the department and the decision to allot postings is also the sole prerogative of the Department. In the instant case, the Respondent authorities on multiple occasions, have considered the medical condition of the Petitioner on the basis of the medical reports filed and have declared him medically fit to join his duty at Kashmir Valley and further



directed compliance of the transfer orders. The Petitioner has not been able to demonstrate any *mala fide* or that the transfer orders are made in violation of any mandatory statutory rule.

12. Thus, no ground for inference is made out in exercise of extraordinary writ jurisdiction.

13. Accordingly, the petition stands dismissed, along with, pending application(s), if any.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

APRIL 17, 2026

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