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

+ W.P.(C) 9229/2025

LT COL JERIN KURUVILLA

.....Petitioner

Through: Ms. Shruti Rawat, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Satya Ranjan Swain, CGSC
with Col Sarika and Major
Tarun Pillai.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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07.04.2026

CM APPL. 21935/2026 [For vacation of stay]

1. The present Application has been preferred on behalf of the Respondents seeking vacation of the interim order dated 07.07.2025 passed by the Predecessor Bench of this Court, whereby the operation of the Impugned Transfer Order was stayed.

2. Though the application is listed for hearing, with the consent of learned counsel representing the parties, the Writ Petition itself is taken up for final disposal at this stage.

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3. The present Writ Petition has been filed by the Petitioner assailing the posting order dated 09.05.2025 [hereinafter referred to as 'Impugned Transfer Order'], whereby the Petitioner, a serving officer, has been transferred from his earlier place of posting at Mumbai, Maharashtra, where he had been serving since August 2021, to 30 MFVH, Darchula, Uttarakhand.



4. Learned counsel for the Petitioner submits that the Impugned Transfer Order warrants interference primarily on compassionate grounds. It is contended that the Petitioner is required to take care of his aged mother, who is stated to be suffering from cancer and requires continuous medical supervision at a specialized medical facility.

5. In this regard, reliance has been placed upon the opinion of the Medical Board dated 21.07.2025, which records that the Petitioner's mother is suffering from a benign/low-grade malignant tumor and requires follow-up every six months on an outpatient basis. The Medical Board has further opined that the officer may be posted at a station in proximity to an Oncology Centre as well as a Gastroenterology Centre.

6. During the course of hearing, learned counsel appearing for the Respondents, on instructions, submits that the Petitioner has now been offered a posting at Meerut, Uttar Pradesh, which is situated at a distance of approximately 70-80 kilometres from Delhi, where advanced medical facilities, including specialized oncology and gastroenterology centres, are readily available.

7. This Court has considered the submissions advanced by learned counsel for the parties and perused the material placed on record.

8. It is a settled position of law that transfer and posting of personnel, particularly in the Armed Forces, fall within the domain of the employer and ordinarily do not warrant judicial interference, unless the same is shown to be vitiated by *mala fides*, arbitrariness, or violation of statutory provisions.

9. In the present case, the principal ground urged by the Petitioner pertains to the medical condition of his mother and the necessity of



being posted at a place where adequate medical facilities are available. The Medical Board itself has not recommended retention at the present station but has only advised that the officer be posted at a station having proximity to requisite medical facilities.

10. In view of the stand now taken by the Respondents offering posting at Meerut, which is in close proximity to Delhi and has access to well-established super-speciality hospitals, the concern sought to be projected by the Petitioner stands substantially addressed.

11. In these circumstances, this Court is of the considered view that no ground is made out to interfere with the Impugned Transfer Order in exercise of writ jurisdiction under Article 226 of the Constitution of India.

12. Accordingly, the Writ Petition is dismissed. Consequently, the interim order dated 07.07.2025 stands vacated and CM APPL. 21935/2026 is disposed of.

13. The next date of hearing, i.e., 18.05.2026, stands cancelled.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 07, 2026
s.godara/pal