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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 03.10.2023

+ **W.P.(C) 8899/2023 & CM. APPLS. 33633-34/2023**

NIRMALA DEVI

..... Petitioner

Versus

UNION OF INDIA THROUGH ITS SECRETARY & ORS....Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Amit Bardhan Mohanty, Advocate (Through VC).

For the Respondents:

Mr. Jatin Singh, Mr. Keshav Sehgal, Mr. Shivam Gaur
and Ms. Ramya Soni, Advocates.

Assistant Commandant D.P. Meena, CISF.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 24.03.2023, whereby petitioner has been directed to be posted from New Delhi to Deoli, Rajasthan. Petitioner also impugns the movement order dated 02.05.2023.

2. Petitioner is serving as an Inspector (Executive) in the Central



Industrial Security Force (CISF) and was posted to Delhi in the year, 2013 and has continued in Delhi since then though in different locations.

3. Petitioner has been posted to Deoli, Rajasthan since she has already spent over 10 years in Delhi. Petitioner contends that her husband is having a medical condition and is unwell and receiving treatment in Delhi as such she impugns the posting order. She contends that the medical facilities required for the treatment of her husband are not available at Deoli.

4. This Court had required the respondents to consider if petitioner could be posted at an alternative location, however, learned counsel for respondents submits that as of now there is no vacancy available for accommodating petitioner at any other place.

5. Learned counsel for respondents further submits that in the year, 2021, when petitioner was sought to be posted out, a request was made by the petitioner for accommodating her in Delhi till March, 2023. He submits that similar ground was taken about the health of her husband as also the marriage of her daughter. He submits that request was acceded to and petitioner was allowed to continue in Delhi till March, 2023, when routine posting order was issued, posting petitioner to Deoli, Rajasthan.

6. No doubt the husband of the petitioner suffers from a medical condition, which requires constant medical treatment, however, we note that the husband of the petitioner is employed in Government of India with the Authority of Advance Ruling, Ministry of Finance, Department of Revenue and is posted at New Delhi.



7. Though learned counsel for petitioner has been repeatedly contending that husband of the petitioner intends to take voluntary retirement, however, till date no such application has been moved by him with the concerned authorities seeking voluntary retirement.

8. Since the husband of the petitioner is himself employed and serving at New Delhi, there is no possibility of him shifting to any location wherever the petitioner is posted outside Delhi without appropriate permission from his employer i.e. the Union of India. Accordingly, we are of the view that the plea taken by the petitioner of the medical condition of her husband at this stage so long as he is in Government service does not warrant any further consideration.

9. Respondents have been indulgent enough in accommodating the request of the petitioner in the year, 2021 till March, 2023.

10. Petitioner is a member of the Force and transfer and posting is an incidence of service. Being a member of the Force, the individual cannot seek to be posted at a particular location. It is the competent authority, which is cognizant of the requirements of the Force as well as the availability of sufficient man power and is empowered to take a decision with regard to posting of individual in the interest of the Force.

11. Entertaining a petition in a routine manner interdicting any posting is not healthy for the operation of a Force, particularly a disciplined force.

12. In view of the above, we do not find any merit in the petition. Petition is consequently dismissed. However, the petitioner would be at



liberty to make an application for sympathetic consideration in case there is any changed circumstance, requiring such consideration.

13. Keeping in view the peculiar facts and circumstances, we grant 10 days' time to the petitioner to report for duty at the new place of posting.

14. *Dasti* under signature of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 03, 2023
NA

MANOJ JAIN, J