
(2018) 03 DEL CK 0245

In the Delhi High Court

Case No : Civil Writ Petition No. 2564 Of 2018

Rajashree Abhiraman

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 19-03-2018

Acts Referred:

Citation : (2018) 03 DEL CK 0245

Hon'ble Judges : Hima Kohli, J;Pratibha Rani, J

Bench : Division Bench

Advocate : Ajit Kakkar, Sampanna Pani, Anjana Gosain, Rabiya Singh, Shalini Nair

Final Decision : Disposed Off

Judgement

1. The present petition has been filed the petitioner praying inter alia for grant of co-location posting and last leg posting to her alongwith her husband at any unit in Delhi NCR; alternatively, the petitioner seeks premature retirement from service with the respondents No.2 to 4/Indian Air Force.

2. Learned counsel for the petitioner states that the petitioner was commissioned in the Indian Air Force on 13.07.2009, as an Aeronautical Engineer (Electrical). Between 22.04.2011 to 13.09.2015, the petitioner remained posted at Arjangarh, New Delhi. In the meantime, her marriage was solemnised on 02.09.2013. On 14.09.2015, the petitioner was posted at Wadsar, Gujarat where she had continued to remain posted. Sometime in August, 2017, the petitioner's husband, working as a Deputy Manager with a government organization, Bharat Electronic Limited, submitted an application to his employer for a co-location posting in the same area as his wife, but the said application was rejected on 19.09.2017. Thereafter, the petitioner had submitted an application to the respondent No.4 for her co-location posting alongwith her spouse at Ghaziabad. It is stated that no reply to the said application has been received till date.

3. Ms. Gosain, learned counsel for the respondents who appears on advance

notice, disputes the submission made by the other side and states that immediately on receiving the petitioner's application dated 20.10.2017, a reply was given on 20.11.2017, informing her that her request for being co-located with her husband was not found feasible.

4. Learned counsel for the respondents submits that the petitioner is a Short Service Commissioned Officer and her tenure of service is for 10+4 years. The first period of ten years will expire in July, 2019 and her request for last leg posting shall be considered by the Premature Retirement Board only one year prior thereto, in July 2018. She further states that undoubtedly, an O.M. dated 30.09.2009 has been issued by the DoPT, Government of India on the subject of posting of husband and wife at the same station, but the respondents have their own policy in this regard and as per the extant policy of co-location posting, on receiving an application in this regard, the respondents are required to process the case by examining the individual merits, taking into consideration factors regarding employability, career progression, stability of tenure, manpower constraints and administrative feasibility.

5. Learned counsel submits that in the present case, the petitioner is manning the Automatic Data Handling System in Wadsar, Gujarat, for which no substitute is readily available at this point in time, therefore, not only due to manpower constraints but also on account of administrative feasibility, she cannot be permitted a co-location posting. In so far as the submission made by learned counsel for the petitioner with regard to grant of premature retirement is concerned, it is stated that the said aspect shall be considered by the Premature Retirement Board one year before the date of her retirement i.e., after 14.07.2018.

6. In view of the aforesaid submission, we are not inclined to entertain the present petition. However, the petitioner is granted liberty to submit a representation to the respondents praying inter alia for grant of premature retirement, which will be considered by the Premature Retirement Board, in accordance with law and the decision taken, shall be communicated to her at the earliest.

7. The present petition is disposed of.