
(2023) 04 DEL CK 0093

In the Delhi High Court

Case No : Civil Writ Petition No. 2038 Of 2023

Vishal Shriniwas Rokamwar

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 19-04-2023

Acts Referred:

Citation : (2023) 04 DEL CK 0093

Hon'ble Judges : Suresh Kumar Kait, J; Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Nikhil Bhardwaj, S.K. Mohanty, Rahul Kumar

Final Decision : Disposed Of

Judgement

1. Vide the present petition, petitioner is seeking quashing of the impugned rejection order dated 26.11.2022 qua petitioner only vide which respondents rejected the request of the petitioner to post him at CISF Unit CTPS Chandrapur, Maharashtra on humanitarian grounds; directions to the respondents to post him at CISF Unit CTPS Chandrapur Maharashtra forthwith; or in alternative to consider the case of petitioner sympathetically in the annual transfer orders which are normally issued by 31st March every year;

2. On 14.03.2023, this Court observed as under:

"1. Pursuant to the Order dated 16.02.2023, learned counsel on behalf of the respondents on instructions submits that since the petitioner has not completed first tenure of seven years in the units in out of home sector (excluding basic training) and, therefore, he is not entitled to get the posting in his home zone sector.

2. The case of the petitioner is that the petitioner is in the medical Category SHAPE-II and as per the record of the respondents, he is suffering from following ailments:

(i) Sleep disturbance,

- (ii) Less appetite,
- (iii) Angriness,
- (iv) Ghabraha,
- (v) Anxiety,
- (vi) Nausea.

3. Moreover, two cases have been filed against the petitioner by his wife at Chandrapur, Maharashtra which are as under:

- (i) PWDVA Application/156/2020,
- (ii) RCC/422/2021.

4. Learned counsel for the petitioner submits that the petitioner is required to attend the case on every month which is evident from Annexure P-4 of the present petition.

5. In addition to above, the petitioner's brother is a Cancer patient and his mother is suffering from spinal problems.

6. Learned counsel on behalf of the petitioner has informed this Court that following personnel who are from National Capital Region (NCR) Sector, which is their home zone sector, have been posted without completion of their first tenure of seven years in the units in out of home sector:

S. No .

Force No.

Rank

Name

From

To

Posted

Address

1.

150101611

CT/GD

Mohit Singh

2018

2023

First Unit Orisa & Second Unit DM RC Beta Line 01

Dadri, U.P.

2.

150406765

SI/EX

Pawan Raj Yadav

2019

2023

DM RC Beta Line 01

Vijay Nagar, Ghazibad, U.P.

3.

150100393

CT/GD

Nitin Kumar

2019

2023

DM RC Beta Line 01

Khurja, U.P.

3. Learned counsel for respondents sought time to verify the fact in regard to aforesaid security personnel and to file a short affidavit to this effect. Accordingly, three weeks' time was granted to the respondents.

4. Today, learned counsel appearing on behalf of respondents seeks further four weeks' time to take instructions and file the short affidavit pursuant to order dated 14.03.2023.

5. It is pertinent to mention here that the respondents had to only verify the facts as mentioned in para 6 of order dated 14.03.2023, however, one month has already been passed and the short affidavit has not been filed.

6. We hereby dispose of present petition by directing the respondents to reconsider the case of the petitioner on compassionate and humanitarian grounds and necessary order be passed within two weeks. The decision so taken shall be communicated to the petitioner within three days thereafter in writing with a reasoned order.