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

+ W.P.(C) 6918/2019 & C.M. No. 28779/2019

COL SANDEEP AHLAWAT

..... Petitioner

Through: Mr. Rajiv Manglik, Adv.

versus

UNION OF INDIA THROUGH THE SECRETARY MINISTRY OF
DEENCE & ORS. Respondents

Through: Mr. Rakesh Kumar, CGSC with Col.
Sachidananda Prabhu, Col MS
(Legal)

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.06.2019

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Issue notice. Learned counsel for the respondents accepts notice

The petitioner has preferred the present writ petition to assail the orders dated 04.06.2019 and 11.06.2019 passed by respondent No. 3 whereby he had been posted, at the end of his study leave, to 160 GL Section Type B vice IC-44559 Col Sandeep Malik, ARMD CORPS, who is retiring on 31.08.2019. The petitioner has, admittedly, been on study leave which is expiring on 04.07.2019. The reason why the petitioner has assailed his posting is that he is in an estranged relationship with his wife and several cases are pending between the parties. The petitioner states that the cases have reached a crucial stage and his personal appearance is required in the

said cases. He further states that his younger son has appeared in the 12th class CBSE board examination and he is in the process of seeking admission for higher education.

The submission of learned counsel for the petitioner is that Col Sandeep Malik is retiring only on 31.08.2019 and his posting w.e.f. 04.07.2019 could be deferred in view of these circumstances.

Having heard learned counsels, we are not inclined to interfere with the impugned order of posting of the petitioner to 160 GL Section Type B. It is not for this Court to delve into such issues of transfers and postings. At the same time, considering the fact that Col Sandeep Malk is due to retire on 31.08.2019 and the petitioner's younger son is in the process of seeking admission after clearing his 12th class board examination and the petitioner states that he has dates fixed in the pending cases in the month of July, 2019, we permit the petitioner to join at his fresh posting on, or before 01.08.2019. This is subject to the condition that from the day following the expiry of his study leaves, till the day he joins the post on 01.08.2019, his absence shall be treated as leave without pay which is agreeable to the petitioner as well.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

MANOJ KUMAR OHRI, J

JUNE 28, 2019

kd