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

**+ W.P.(C) 12314/2021**

**SQN LDR CHESHTA SHANKAR**

**..... Petitioner**

**Through Mr.Ajit Kakkar, Advocate.**

**versus**

**UNION OF INDIA & ORS.**

**..... Respondents**

**Through Mr.Anil Kaushik, CGSC with  
Mr.Anirudh Shukla, Advocate.**

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**Date of Decision: 29<sup>th</sup> October, 2021**

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**MANMOHAN, J. (Oral)**

**C.M.No.38743/2021**

**Exemption allowed, subject to all just exceptions.**

**Accordingly, the application stands disposed of.**

**W.P.(C) No.12314/2021 & C.M.No.38744/2021**

1. Present writ petition has been filed challenging the Signal dated 08<sup>th</sup> October, 2021 whereby the Petitioner has been posted to AFA, Dundigal, Hyderabad w.e.f. 15<sup>th</sup> November, 2021. Petitioner also seeks a direction to the Respondents to allow the Petitioner to continue her engagement at 29 Wg AF as her Last Leg posting.

2. Learned counsel for the Petitioner states that the Petitioner was posted to 29 Wg AF, Bamrauli w.e.f 25<sup>th</sup> March 2019 on co-location grounds as her husband was posted to 4 Arty Bde.

3. He states that the Petitioner was blessed with a daughter on 16<sup>th</sup> February 2021 and duly reported back at her 29 Wg at the end of her Maternity Leave on 29<sup>th</sup> June 2021. He states that the Petitioner has another daughter who is three years old.

4. He emphasises that the Petitioner's husband has been posted to 630 SATA BTY, Hathigarh w.e.f 25<sup>th</sup> March, 2021 which is a non-family station and the Petitioner's parents who are senior citizens have been suffering from multiple age-related ailments.

5. He points out that the Petitioner has been receiving certain assistance and facilities from her current station authorities in this regard because of which she has been able to render her services efficiently and dedicatedly. He also emphasises that AFA, Dundigal is a training base with huge quantum of flying operations situated in a remote location and is not well equipped with the facilities being availed by the Petitioner at her current place of posting.

6. He states that the Petitioner has preferred multiple applications i.e. in August, 2021 as well as on 13<sup>th</sup> October, 2021 requesting the Respondents for the screening of her Posting to AFA, but all her attempts have been in vain.

7. Having heard learned counsel for the parties, this Court is of the view that transfer is an exigency of service, especially in the Armed Forces. Further, the Petitioner has completed two years of co-location posting and is being transferred because her husband has now been transferred to a non-family station.

8. This Court does not find any merit in the contention that the Petitioner should not be transferred, just because facilities at Bamrauli are better than the facilities provided at AFA, Dundigal. It is pertinent to mention that AFA,

Dundigal is neither a non-family station nor a station without any facilities. Consequently, this Court is not inclined to entertain the present writ petition.

9. At this stage, learned counsel for the Petitioner states that the Petitioner would like to file an application for pre-mature separation from service.

10. Accordingly, this Court directs that, in the event, the Petitioner files a pre-mature separation from service application by 01<sup>st</sup> November, 2021, the same shall be disposed of by the Respondents in accordance with law, as expeditiously as possible, preferably within eight weeks. This Court clarifies that it has not commented on the merit of the pre-mature separation from service application to be filed by the Petitioner. The rights and contentions of all the parties are left open. With the aforesaid direction, the present writ petition along with pending application stands disposed of.

**MANMOHAN, J**

**NAVIN CHAWLA, J**

**OCTOBER 29, 2021**  
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