



2025:DHC:5857-DB



§~48

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 18.07.2025*

+ W.P.(C) 10257/2025  
AMIT

.....Petitioner

Through: Mr. Prabhat Yadav, Ms. Sujata  
& Mr. Sumit Mehta, Adv.

versus

UNION OF INDIA AND ORS. ....Respondents

Through: None.

**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE RENU BHATNAGAR****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, *inter-alia*, praying for the suspension/cancellation of the relieving order dated 01.07.2025 (herein after referred to as “Impugned Order”), whereby the petitioner has been relieved from his duties at the Force Headquarters (FHQ), Sashastra Seema Bal (SSB), New Delhi and has been directed to join his duties at SHQ (SPL OPS), SSB Bhilai.

2. The learned counsel for the petitioner submits that, on being promoted to the rank of Inspector (Ministerial) *vide* Promotion Order dated 25.10.2024, the petitioner was transferred to the SHQ (SPL OPS) SSB Bhilai, however, he was not relieved from the FHQ, SSB New Delhi, where he is presently posted. He was given substantive promotion to the rank of Inspector (Ministerial) with effect from 27.11.2024 at his current place of posting.

3. He submits that the petitioner gave a representation dated 28.05.2025, stating that his wife, who was four months pregnant, requires medical attention. Considering her previous medical history,



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where she underwent *Mc-Donald Stitch* surgery and was advised by the doctor not to be negligent and to take utmost care and have complete bed rest, the petitioner requested therein that he be allowed to continue at FHQ, SSB New Delhi. This request of the petitioner, however, was rejected by the Order dated 20.06.2025. Thereafter, the petitioner has submitted further representations.

4. The respondent, by the Impugned Order dated 01.07.2025, relieved the petitioner from his duties at FHQ, SSB New Delhi and directed him to report to SHQ (SPL OPS), SSB Bhilai.

5. He submits that considering the precarious health of the wife of the petitioner, his presence with her at Delhi is necessary. He further submits that the petitioner is not seeking cancellation of his transfer but only suspension thereof.

6. We have considered the submissions made by the learned counsel for the petitioner.

7. In the present case, the petitioner was promoted to the rank of Inspector (Ministerial) by Office Order dated 25.10.2024 and was posted to SHQ (SPL OPS), SSB Bhilai. However, as he was not relieved earlier for reasons unknown, he continued at his present posting, that is, FHQ, SSB New Delhi.

8. The representation of the petitioner to continue at the said place has been rejected *vide* an Order dated 20.06.2025. We are afraid that the medical condition of his wife cannot be sufficient ground to interfere with the decision of the competent authority, who is the best person to examine the administrative exigency of posting and the sufficiency of the cause shown by the employee to reconsider the



same.

9. The Supreme Court in *Union of India & Ors. v. S.L. Abbas*, (1993) 4 SCC 357 has held that the posting of a person is an administrative decision, and unless it is shown that the same is affected by *mala fide* intent or is otherwise arbitrary or against the policy, the Courts would be slow to interfere with the same. We may quote from the said Judgment as under:

*“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right.”*

10. Though the petitioner has stated that his wife has been advised bed rest due to complications in the pregnancy, the same has been duly considered by the respondents in reiterating the transfer. At this stage therefore, we would not like to interfere with the same. However, it would always be open to the petitioner to reiterate his request to the competent authority and we are certain that the competent authority will consider such representation sympathetically and in accordance with the law and within a period of



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two weeks of such representation being received.

11. The petition is disposed of in the above terms.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**JULY 18, 2025/pallavi/my/VS**