



2025:DHC:8899-DB



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

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W.P.(C) 15202/2025

SGT ANKIT KUMAR

.....Petitioner

Through: Mr. Durgesh Kumar Sharma  
and Mr. Harish Kumar, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. J.K Tripathi, SPC with Mr.  
Kapil Dev Yadav, Mr. Shivam Dwivedi with  
Sergeant Vikash Kumar and Sergeant SS  
Yadav.

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT (ORAL)**

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**06.10.2025**

**C.HARI SHANKAR, J.**

**CM APPL. 62344/2025 (exemption)**

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

**WP (C) 15202/2025**

3. This petition assails posting order/signal dated 28 August 2025, whereby the petitioner, who is presently working as a Sergeant in the Indian Air Force, and is posted at Delhi, has been transferred to 02 Wg AF Pune.



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4. Prior to the passing of the impugned order, the petitioner had been transferred to Tezpur in Assam. Aggrieved by the said transfer, the petitioner had approached this Court by means of WP (C) 11941/2025. This Court, by order dated 20 August 2025, directed the respondents to treat the writ petition as a representation and to pass an order thereon and communicate it to the petitioner.

5. Mr. Durgesh Sharma, learned Counsel for the petitioner, submits that there has been no compliance with the said direction and, instead, the petitioner has now been transferred to Pune.

6. While, strictly speaking, there may be no compliance with the direction to pass an order on the petitioner's writ petition, the respondents have nonetheless accommodated the petitioner to the extent that, instead of transferring him to Assam, they have now transferred him to Pune.

7. Mr. Sharma submits that the petitioner has spent only two years at Delhi whereas the tenure of posting at Delhi is five years.

8. It is a well settled principle, also reflected in the respondents' own policy, that, in administrative exigencies, persons can be transferred out of the place of posting before the tenure comes to an end. It is not as if the petitioner has been transferred out immediately after he joined service at Delhi. He has spent two years at Delhi before he was transferred to Pune.

9. By no standards can it be said that the transfer to Pune is a hard



transfer, or would compromise on the petitioner's medical requirements. Mr. Sharma's contention is that the petitioner is a psychiatric patient. We have seen the medical documents which are on record. They only manifest that the petitioner is a person suffering from depression. Additionally, it is stated that he does *not* exhibit any psychotic symptoms. He is also stated to be person who is suffering from Pathological Gambling Disorder.

**10.** Apparently, therefore, the only psychiatric problem from which the petitioner suffers, which may need medical intervention, is depression.

**11.** We see no impediment in the petitioner obtaining the requisite treatment at Pune, should the need arise. Mr Sharma submits that depression could get exaggerated at any point of time. We sincerely hope that this would not happen. Even if, however, any urgent treatment does become necessary, we see no reason why the petitioner would not be able to obtain the requisite treatment at Pune.

**12.** As a last resort, Mr. Sharma submits that the petitioner's parents are in Delhi. There is no policy, by which an officer can claim to continue to be posted wherever his parents are residing.

**13.** We must note, here, that we are finding ourselves inundated with petitions in which transfer orders are under challenge. We feel that some degree of circumspection has to be exercised by the Court while interfering in such cases, especially while dealing with paramilitary and armed forces. Needless to say, in serious cases,



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which are covered by the extant instructions or where serious hardship, medical or otherwise, is involved, we have always interfered.

**14.** We are, however, not inclined to interfere in the present case, as the only ground urged by the petitioner is that he suffers from depression.

**15.** We find therefore no case to issue notice in the present writ petition, which is accordingly dismissed in *limine*.

**16.** The petitioner is directed to comply with the impugned order, if he has not already done so, within a period of four weeks from today.

**C.HARI SHANKAR, J**

**OM PRAKASH SHUKLA, J**

**OCTOBER 6, 2025/pa**