



2025:DHC:8083-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8536/2025, CM APPLs. 36984/2025 & 48388/2025**

DR. VIVEK KUMAR MATHURPetitioner
Through: Mr. Ankur Chhibber, Mr.
Anshuman Mehrotra and Mr. Nikunj Arora,
Adv.
versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Siddhartha Shankar Ray,
CGSC with Ms. Smritika Kesri, Adv. for
UOI

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

% **ORDER (ORAL)**
11.09.2025

C. HARI SHANKAR, J.

1. The main grievance of the petitioner is that he is the sole caregiver of his aged father who is 90 years old, and that the place at which he has been posted does not have sufficient hospital facilities to take care of his father, though Mr. Siddhartha Shankar Ray, learned CGSC for the respondents disputes this contention.

2. Mr. Ray submits that all the posts sought by the petitioner are filled and there is no suitable place where the petitioner can be posted. He also underscores the legal position that there is no vested right for the petitioner to seek posting at a place where he can take care of his



father.

3. Legally speaking, Mr. Ray is right. The policy of the CAPF¹ contains a provision whereunder, if the spouse or the child of an officer is unwell, that could constitute a basis for the officer to choose a place of posting. No such dispensation is provided in the case of parents of an officer. Though this may be a hard provision, it is understandable to the extent that, with the ascendancy in the careers of the officers, parents would also get older, and it is possible that if officers were permitted to choose a place of posting based on the condition of their parents, it would become very difficult to post officers appropriately.

4. Nonetheless, we do expect that the respondents would be alive to the difficulties that the officers face in such situations.

5. Mr. Ankur Chhibber, learned Counsel for the petitioner submits that there is a vacancy at Rampur, Uttar Pradesh which is still available and where his client can be posted.

6. We are not inclined to express any opinion on the availability of a posting at Rampur.

7. We, therefore, with consent of the parties, dispose of this writ petition in the following terms:

¹ Central Armed Police Forces



(i) The respondents would consider the petitioner's request for posting him at a place where there are sufficient facilities to treat his father, including the possibility to post him at Rampur. We should not be understood, however, as having issued any kind of directive or mandamus to the respondents in this regard. The respondents would, however, ensure that the decision taken by them is not arbitrary.

(ii) If it is not possible to accede to the said request, a suitable communication to that effect would be addressed to the petitioner within a period of one week from today, specifically setting out the reasons why it is not possible to do so.

(iii) In that event, the petitioner would comply with the impugned order of transfer.

8. Mr. Ankur Chhibber also submits that his client has not been released any pay till date, since the date of the passing of the order of transfer.

9. At least after passing of the order of stay by this Court on 27 June 2025, there is no justification for the respondents not releasing the petitioner's pay.

10. If it has not been released so far, it should be released within a period of two weeks from today.



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11. This petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 11, 2025/rjd