



2025:DHC:3285-DB



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

+ W.P.(C) 5742/2025 & CM APPL. 26179/2025

AJAY KUMAR

.....Petitioner

Through: Ms. Saahila Lamba, Advocate

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Sahaj Garg, SPC with Mr.
Yash Tyagi(GP)

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT(ORAL)

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02.05.2025

C. HARI SHANKAR, J.

1. We have heard Ms. Saahila Lamba, learned counsel for the petitioner and Mr. Sahaj Garg, learned Senior Panel Counsel for the respondents.

2. The petitioner challenges his transfer to Arunachal Pradesh after he had served at Jammu & Kashmir for three years. In the writ petition, the petitioner's case was that the applicable policy envisages alternating hard postings and soft postings and that once the petitioner had served at hard posting for three years, he was entitled to a soft posting and could not therefore be transferred to Arunachal Pradesh.



3. The instruction which was cited by the petitioner had been superseded as per the submissions advanced by Mr. Garg, learned counsel for the respondents.

4. Ms. Lamba has today drawn our attention to Standing Order 04/2022 dated 27 September 2022.

5. Ms. Lamba relies on clause 8 of the said Standing Order, which we may reproduce thus :

“8. **Normal Tenure**

(a) The normal tenure will be as under subject to the provisions of para 8(b) of this S.O :

- | | | |
|------|--|--|
| i) | Field Bns in Category-‘B’ & ‘C’/SDG/PDG/VIP Security Bns | (a) 04 yrs for Goup ‘B’ & ‘C’ GD/Signal personnel
(b) 03 Yrs for all except above |
| ii) | SOZ Bns/CoBRA Bns/RAF Bns/Signal Bns/other Estt/Instns. | 03 yrs |
| iii) | Mahila Group – ‘B’ & ‘C’ (GD/Tech/Tradesman) personnel : | |
| | (a) Mahila Bns/RAF Bns/other Bns | 04 yrs |
| | (b) Other Estt/Instns. | 03 yrs |

(b) As CRPF is Central Armed Police Force of GoI constituted under Special Act and is tasked with important operational duties regarding maintenance of security of the nation, therefore there are certain operational and administrative requirements of the Force. In view of such requirements, any officer/official/personnel may be posted to any Unit or office at any point of time. The above policy



does not create any right for any officer/official/personnel for posting to a particular place or for a particular tenure as mentioned in Para-8 (a).

If during the posting of any officer/official/personnel it comes to the notice of the supervisory/senior authorities that officer/official/ personnel needs to be transferred out at any time from present place due to administrative or operational reasons, then the concerned authority may transfer such officer/official/personnel at any time to a suitable place.”

6. Though Ms. Lamba was emphasizing sub-clause (a)(ii) of Clause 8, it is clear that sub-clause (b) of Clause 8 considerably dilutes the rigour of Clause 8(a) as it vests discretion with the CRPF to determine the posting of officers keeping in mind operational and administrative requirements.

7. Clause 6(a) of the same Standing Order reads thus :

“6. The Sumer Chain Transfer will be done through ‘SANTOS’ Software. All those who are eligible for transfer will be identified and their names will be checked and approved by concerned Unit/office. All concerned will be allowed to fill preferences/choices. After this transfer will be issued through Software.

(a) Every officer/official/personnel will be able to give preferences/choices in various eligible Units/Offices. The maximum number of preferences which can be given in various categories will be decided by Dte. Preferences are to be filled up very carefully keeping in view of the vacancies and hardship score. Filling up the preferences is not a guarantee for posting to preferred unit/establishment. Also no officer/official/personnel can lay claim for any particular post or location.”



8. Thus, Clause 6(a) even while permitting officers to give preferences / choices of places of postings, clearly states that there was no guarantee of posting at a place of choice and that hardship score would be based on the location of the unit or establishment at a particular place. The hardship score was itself variable.

9. Thus, it is clear that there are several considerations which operate while determining the posting of a particular officer.

10. We have to be conscious of the fact that we are dealing with Armed Forces and, therefore, have to maintain a more conservative stands as compared to the approach which is to be adopted while dealing with ordinary civilian posts.

11. A greater degree of latitude has necessarily to be accorded to para military and Armed Forces in such cases.

12. That said, Ms. Lamba is correct in her submissions that the representations advanced by her clients have not been answered by any reasoned decision.

13. In these circumstances, we deem it appropriate to dispose of this writ petition with a direction to the respondents to treat the writ petition as a representation and take a view thereon, by providing reasons, even if brief, within two weeks from today and communicate the decision to the petitioner as well as to Ms. Lamba, learned counsel



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for the petitioner.

14. We reserve the rights to the petitioner to seek legal remedies against the said decision, if the petitioner continues to remain aggrieved.

15. The writ petition is disposed of, in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 2, 2025/yg

[Click here to check corrigendum, if any](#)