



2025:DHC:2605-DB



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

+ W.P.(C) 4554/2025 & CM APPL. 21074/2025

YASHPAL SINGH

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyarth Sinha and Ms. Khushi, Advs.
with Ms. Shilpi Rani

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Dr. B Ramaswamy, CGSC for
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CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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09.04.2025

C. HARI SHANKAR, J.

1. The petitioner has approached this Court, seeking extension of his tenure at Udhampur, in view of the fact that his daughter is in Class X and his mother is ailing.

2. The main ground that has been urged is that his daughter is studying in Class X and if the petitioner is relocated at this point of time, it would have an adverse impact on her studies.

3. Ground (d) in the writ petition makes reference to an order dated 9 August 2024 in WP (C) 11036/2024 which came up before



this Court and which involves an identical controversy.

4. The order dated 9 August 2024 reads thus:

“1. The petitioner has approached this Court under Article 226 of the Constitution of India assailing the order dated 29.06.2024 vide which he has been detached. from the ICT Department at New Delhi where he was temporarily attached and has been directed to report at the Headquarters of 132 Bn BSF.

2. Learned counsel for the petitioner submits that one of the petitioner's sons is in. Class XII and the younger son is suffering from epilepsy and therefore, in terms of their own policy, the respondents ought to defer his posting till April 2025. He further submits that though the petitioner has already submitted a representation on 07.11.2023 for cancellation of the impugned order, the respondents have till date not responded to the same, compelling him to approach this Court.

3. Issue notice. Mr. Farman Ali, learned counsel who appears on advance notice, accepts notice on behalf of the respondents. He does not dispute that the petitioner's representation dated 07.11.2023 has still not been decided.

4. In these circumstances and taking into account the grounds raised by the petitioner, we are of the view that in the first instance the respondents should consider the petitioner's representation compassionately.

5. We, therefore, dispose of the petition by directing the respondents to decide within two weeks the petitioner's representation dated 07.11.2023 by passing a reasoned and speaking order. Needless to state that while considering the petitioner's representation, the respondents will take into account the Posting/Transfer of Officers-Instructions the SOP dated 18.05.2010 pertaining to transfer of officers of the BSF. We further direct that in case the petitioner's request for cancellation of the impugned order is not accepted, the said order will not be implemented for a period of one week in order to enable the petitioner to avail of legal remedies, if necessary.”

5. Dr. B Ramaswamy, learned CGSC for the respondent is agreeable to a disposal of this writ petition in terms of the aforesaid order.



2025:DHC:2605-DB



6. Accordingly, this writ petition is disposed of by directing the respondent to take a decision on the petitioner's representation dated 20 January 2025 within a period of three weeks from today by way of a reasoned and speaking order. The respondents would take a decision on the representation keeping in view the applicable instructions.

7. In the event that the prayer of the petitioner is not granted, the order would remain in abeyance for a period of one week after it is passed and communicated to the petitioner so as to enable the petitioner to avail legal remedies thereagainst.

8. The writ petition is accordingly disposed of.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

APRIL 9, 2025

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