

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH
NEW DELHI
(Court No.2)**

O.A NO. 15 of 2011

IN THE MATTER OF:

Lt Col Hardeep Sandhu**APPLICANT**
Through : Mr. Sanjeev Kumar Kakkar, counsel for the applicant

Vs.

UNION OF INDIA AND OTHERS ...**RESPONDENTS**
Through: Mr. Ankur Chibber counsel for the respondents

CORAM:

**HON'BLE MR. JUSTICE MANAK MOHTA, JUDICIAL MEMBER
HON'BLE LT. GEN. M.L. NAIDU, ADMINISTRATIVE MEMBER**

JUDGMENT

Date: 03.02.2012

1. The OA No.15/2011 was filed in the Armed Forces Tribunal on 11.01.2011. Earlier it was dismissed by the AFT vide its order dated 13.01.2011. Against the said order, the applicant approached the Hon'ble High Court of Delhi and obtained the order dated 25.05.2011 whereby the Hon'ble High Court has remitted back the case to the AFT. Further, the Hon'ble High Court also issued a stay order to the transfer/posting of the applicant from the present place of posting. As per the directions of Hon'ble High Court, the case was again taken up for hearing in the AFT to its original number.

2. Vide this OA, the applicant has prayed that the action of the respondents by not to accept the application for premature retirement

(PMR) be declared as unjust, arbitrary and against the fundamental rights as guaranteed under the Constitution. He has further prayed to quash and set aside the impugned orders dated 09.10.2006 (Annexure-A-1) which deals with letter of resignation, letters of 08.04.2009 and 12.03.2010 which deal with PMR. He has further prayed that his resignation dated 07.03.2011 and resubmitted on 15.03.2011 be directed to be accepted and orders passed on those be quashed and set aside. The order passed by Govt. of India on 10.06.2011 be also quashed. He has also sought that his release be granted from the present place of posting i.e. New Delhi. The last two prayers were added vide M.A. No.266/2011 which was submitted on 20.07.2011.

3. Brief facts of the case are that the applicant was commissioned in the Army on 07.12.1996. He got married on 08.11.2002. On 12.04.2006 he sought PMR. On 18.03.2006, the applicant applied for resignation on the grounds that he had ancestral property which he was required to be looked after since his parents were aged. His application was turned down on 09.10.2006 (Annexure A-1) with the reason that there is a shortage of officers and he could not be permitted to go on PMR. This application was rejected by the Competent Authority.

4. On 10.01.2009, the applicant again applied for PMR on the grounds that his parents were ailing and being the only son he was

required to look after them. This application was rejected vide order dated 08.04.2009 stating that “based on the merit of the case and the laid down criteria in this regard, request of the officer has been rejected by the competent authority”.

5. On 14.01.2010, the applicant once again applied for PMR. This time on grounds that his parents were of old age. He had agricultural land and also that his conjugal rights were being affected because of his services with the Army. This application was once again rejected on 12.03.2010 for the reasons “based on the merit of the case and the laid down criteria in this regard, request of the officer has been rejected by the competent authority”.

6. Meanwhile, the applicant had applied for posting on compassionate grounds on 12.01.2008 which was granted by the respondents.

7. On 10.01.2010, the applicant preferred a statutory complaint. In this complaint, the applicant highlighted that his PMR applications were declined on the grounds of shortage of officers which was incorrect. He also alluded to certain facts and figures which give out as to how the officers were being managed in terms of employment and that he should have been declared surplus to the establishment and permitted to go on PMR. This complaint was rejected by the respondents on 10.06.2011 which reads as under:-

“3. The complaint of the officer has been examined in detail alongwith his overall profile, relevant documents and analysis/recommendations of AHQ. After consideration of all aspects of the complaint and viewing it against the redress sought, it emerges that the officer’s applications for premature retirement have been considered by the AHQ as per policy on the subject and rejected due to remaining service liability upto 22.05.2010 on account of the EODE course and deficiency of officers. As service liability is now over the officer is advised to file an application for PMR with the AHQ , if he so desires.”

8. Learned counsel for the applicant argued that going by the three rejections of the application for PMR, it is clear that there has been no application of mind by the respondent authorities. All the three PMR applications for PMR were rejected on the same lines although the gravamen of the applications were entirely different. He further argued that the policy letter which governed PMR was issued by the MOD on 20.01.1975 (Annexure A-2). This policy lays down as under:-

“2. It has been decided that, in future, requests for Premature Retirement/Resignation from Defence Service Officers will continue to be considered on individual merits on the recommendations of Chief of Staff concerned who will keep in view the manpower situation and the operational requirements of the services. The grounds on which applications should normally be recommended to the Govt. for consideration will be as under:-

a)xxxxx

(b) **EXTREME COMPASSIONATE GROUNDS-**
Requests on extreme compassionate grounds will be

considered after the facts represented by the Officer are verified to the extent possible, by the Service Headquarters. Such verification is necessary to ensure that the grounds are genuine. Domestic problems such as need to look after ailing parents, inheritance problems, need to look after family business, serious illness of wife requiring officer's presence at home, possibility of break-up of conjugal life if the officer continues in service etc. Would be treated as compassionate grounds depending on the circumstances of each case."

9. Learned counsel for the applicant further argued that a fresh policy was issued on 25.02.2009 which gave out the service liability and also the tenability of the application. Relevant extracts of the said policy are as under:-

“Service Liability

23. *Officers who have been granted study leave and have not the mandatory period of service after rejoining duty are required to refund the total leave salary.*

24. *Service liability for any courses within India or abroad is given in AO 17/95 and SAO 4/S/01/GS (for Avn Offrs). Study leave liability is given in AI 42/82. Service liability for foreign assignments will be in accordance with MS Branch letter No.04526/MS Policy dated 19 May 2008 as amended from time to time.*

25. *Officers on foreign assignment liability are eligible to apply for PR only after completion of liability or on their final non-empanelment or being placed in permanent low medical category.*

Tenability of Application

26. *Tenability of the application will be examined on its receipt. Application will be returned to the unit if any of the following requirements are not complied with:-*

(a) Application not being in the prescribed format or not endorsed by the IO and or RO.

(b) Application not accompanied with certificate from competent authority regarding non-involvement of the officer in disciplinary/ vigilance case(s).

(c) Conditional requests for PR/resignation which are coupled with, specific date, postings, reconsideration of punishments, expunction of adverse remarks in annual confidential reports and pending complaints will not be entertained.

(d) Applications from officers who are involved in any disciplinary case or inquiry, judicial or quasi-judicial proceedings, will not be forwarded to his HQ until the case against them is finalised. In case the officer gets involved in any such proceedings after forwarding his application, the matter will be reported immediately to MS Branch/MS (PR) and AG's Branch/DV-(2) by the fastest means.

(e) 'Provisional No Demand Certificate' (PNDC) from CDA (O) Pune not being enclosed where officer has rendered less than 20 years service or where recovery for service liability on account of training courses or study leave is required to be made from the officer.

(f) Applications for PR must be submitted six months prior to completion of current tenure. Tenures will be deemed to be two years. Applications received after the time stipulation given above will not be rejected but kept pending and brought up for

consideration after offer completes six months in new appointment. The same application will be considered on receipt of recommendations from new IO and RO.”

10. Learned counsel for the applicant further submitted that the applicant obtained the details of the Board proceedings which recommended PMR through RTI and it was thereafter revealed that in all cases the recommendations of the Board are as under:-

“The reason forwarded by the officer were not compelling enough to warrant PMR. Due to lower service bracket, the officer was not recommended for PMR after the case is recommended. To be rejected.”

11. Learned counsel for the applicant also argued that several other officers of the Corps of Engineers to which the applicant also belongs, in a similar situation i.e. below 20 years of service were recommended for PMR while he was singled out for not granting the PMR.

12. He also argued that the applicant was willing to pay the amount required to compensate for his 'lien period' for which he had signed a bond as he was liable to serve upto 22.05.2010. Despite that he was not granted permission to proceed on PMR or even to resign.

13. Learned counsel for the applicant argued that this was sheer denial of fundamental rights as he was unable to look after his parents, his property and also his family life. Consequently, there has been a court case filed against his parents at Chandigarh. There is also a

court case pending in the Civil Court, Gurgaon filed by his wife for divorce.

14. He further argued that the applicant have been particularly discriminated as the applicant's request was not considered as per the policy letters issued by them. He pleaded that the restrictions imposed by the respondents vide their policy letter of 19.11.2010 (Annexure A-10) reads as under:-

"Para 26

(f) Application for premature retirement must be submitted after tenaning the appointment for six months and at least six months prior to completion of present tenure".

15. Learned counsel for the applicant further submitted that in his case in order to cut short the delay that has already been taken place and in view of the long standing request by the applicant for PMR, this restriction may be waived by the respondents while considering his PMR.

16. In support his contentions, Ld. Counsel for the applicant cited the following citations:-

(i) **59(1995) DLT 573 (DB) in the matter of Major Rahul Shukla Vs Union of India & Ors.**, wherein the Hon'ble High Court has observed as under:-

"An application for resignation may be rejected if it is not based on adequate and justifiable reasons. The over-riding consideration is

whether the officer's continuance in service for a specific period is necessary to meet exigencies in a service and alternative arrangements cannot be made. Even in such a case the application for resignation cannot be rejected. It can only be held in abeyance. In the case at hand it is not the case of the respondent that the facts stated by the petitioner in his application for resignation were false or were not adequate or not justifiable. That finding could not have been arrived at inasmuch as the Colonel Commanding Officer having personally reviewed the application, was satisfied of the validity thereof. Any higher authority to form an opinion different from the one expressed by the Colonel Commanding Officer must have been possessed of material concrete enough to form a different opinion which it is not so."

(ii) He also cited **2000(54) DRJ in the matter of Major S.K. Jain Vs Union of India and Others** wherein the Hon'ble High Court of Delhi has observed that:-

"Premature retirement-Rejection of request for premature retirement sought on the ground domestic problems- Rejection on the ground that the reason for seeking premature retirement was not covered in the guidelines- Even though the recommendation was made considering the reasons to be covered under extreme compassionate grounds- Error in treating specific instances as exhaustive- Matter remanded for consideration."

(iii) He also cited **151(2008) DLT 435(DB) in the matter of Colonel R. Jayaprasad Vs Union of India & Ors.**, wherein the Hon'ble High Court of Delhi observed as under:-

"Army Act, 1950- Section 27- Defence Services- Premature Retirement- Refusal on ground of foreign service liability- Fallacious,

unsustainable and quashed- Assignment given to petitioner was optional to join project team at Kazakhstan on deputation- If petitioner would have known about restriction of foreign service liability, he may or may not have opted for said assignment- No undertaking given by petitioner- Number of officers with similar qualifications already granted premature retirement at their request- Decision taken by respondents in rejecting case of petitioner for premature retirement on ground of service liability set aside.”

(iv) Learned counsel for the applicant further cited the judgment of Hon'ble High court of Bombay given in **writ petition No.289 of 2011 in the matter of Major Yogesh Chandra Madhav Sayanakar Vs The Chief of Army Staff** decided on 25.03.2011, wherein the Hon'ble Bombay High Court has held that *“the respondents are directed to reconsider the application dated 27th March 2010 of petitioner No.1 for release as a pending application for resignation and to consider the same under Paras 17 and 20 of the Army Order 14/2004 and in light of the observations made hereinabove and also in our judgment dated 26th October 2010, as expeditiously as possible, and within one month from the date of receipt of this judgment.”*

(v) He further cited the judgment of Hon'ble High Court of Delhi passed in **WP(C) No.166/2010 decided on 08.10.2010 in the matter of Captain (Mrs.) Krishna Vs Union of India & ors.**, wherein the Hon'ble High Court of Delhi has held that *“The order dated 17th August, 2009 is hereby set aside and quashed and the respondents*

are directed to consider afresh the application of the petitioner seeking resignation from service in the light of the above discussion.”

17. Learned counsel for the respondents vehemently opposed the present application stating that the applicant had undertaken Engineer Officers Degree Engineering (EODE) Course from April 2001 to May 2005. Within one year of obtaining the engineering degree, the applicant vide application dated 18.03.2006 applied for resigning his commission only on the ground of looking after agricultural land of his father. His application was considered on merits and it was rejected due to acute shortage of officers in the Corps of Engineers in the said service bracket. It was also that the applicant having completed EODE Course in May 2005, had service liability till 22.05.2010. The decision of the competent authority was communicated to the applicant vide letter dated 09.10.2006 (Annexure A-1).

18. Learned counsel for the respondents further argued that the applicant submitted another application dated 10.01.2009 for PMR. This time additional grounds for PMR was to look after his father and maternal grand father was added. This application was also examined on merits and the same was rejected and the decision of the competent authority was communicated to the Applicant vide letter dated 08.04.2009.

19. The applicant again submitted an application for PMR on 14.01.2010 in which one more ground was added i.e. possible break

up of conjugal life. It is submitted that the application for PMR was submitted by the applicant well knowing that he was under service liability until 22.05.2010. The said application was also considered on merits and it was rejected and conveyed vide letter dated 12.03.2010.

20. Learned counsel for the respondents further submitted that on 18.06.2010 a statutory complaint was preferred by the applicant. It was rejected by the Government of India on 10.06.2011 (Annexure A-25) which is also the impugned order.

21. Learned counsel for the respondents argued that in all the applications grounds made by the applicant were false. As per the medical documents related to his father and annexed with his application for PMR, father of the applicant suffers from ‘Cervical Spondylosis’, which is a very common problem at that age. The applicant never brought on record in support of his contention that his father needs constant medical attention and that he is not able to look after himself.

22. He further argued that in respect of the contention of the applicant about necessity to look after ancestral land, it is submitted that as per the certificate dated 07.03.2006 purportedly given by Numberdar of Village Vairawal (Amritsar), father of the applicant has 50% share in 52 acres of agricultural land. The applicant has not given any reason why the land cannot be looked after by co-owners of the

land. He submitted that the agricultural land can be looked after even while being in service.

23. Contention of the applicant about alleged marital discord is denied and disputed by the learned counsel for the respondents. He argued that this ground was put up only to put pressure on the respondents and also to create another ground on extreme compassionate grounds to justify his PMR. The applicant was married on 08.11.2002 and blessed with a daughter on 14.02.2005. Posting profile of the applicant since April 2001 is as under:-

- (i) April 2001 to May 2005 : Pune (Peace)
- (ii) May 2005 to Aug 2006 : Kupwara (J&K)
- (iii) Sep 2006 to July 2007 : Nasirabad (Peace)
- (iv) July 2007 to June 2008 : Prem Nagar Dehradun (peace)
- (v) June 2008 to till date : Delhi

24. It has been stated that in view of the above, the contention of the applicant that his wife has been bringing up his daughter alone is concocted and misleading. Learned counsel for the respondents also argued that as per the records held by the respondents, wife of the applicant being employed, their daughter was looked after for initial one year by the parents of the applicant. Once the applicant was posted to Nasirabad, the daughter was with the applicant and his wife continued her job. While the applicant was posted at Dehradun, he

applied for posting to Delhi on compassionate grounds. His requested was accepted and he was posted to Delhi. On completion of three year tenure at Delhi, the applicant again requested for extension of his tenure at Delhi for one year or until his PMR application is accepted, whichever is earlier. It is submitted that the applicant is continuing at Delhi while his parents and ancestral land is near Amritsar and at Zirakpur. It is evident that none of the grounds made by the applicant justifies PMR. The applicant is seeking PMR evidently for reasons other than compassionate grounds.

25. Learned counsel for the respondents argued that the Committee deciding the requests for PMR did not find the reasons given by the applicant as convincing. He also argued that there is an acute shortage of officers in the rank of Lt Col and below in the Corps of Engineers. Against authorisation of 4050 officers, there are 3261 officers, thus creating a deficiency of 20%. He also argued that this deficiency will take time to be made up. He also submitted that though the applicant had obtained a degree in Electrical Engineering and that the arguments by the applicant that he was surplus to the establishment of the Corps of Engineers is incorrect because as an officer he can well be used for various other duties in ERE, staff and instructional assignments.

26. Learned counsel for the respondents further submitted that all the applications for PMR are required to be scrutinised properly before

the PMR is accepted. In support of his arguments, he quoted letter of 08.12.2006 which reads as under:-

“It has been observed that reasons cited by applicants for seeking PMR/Resignation are generally neither scrutinized nor verified by the intermediate Headquarters who, perfunctorily endorse all applications. All requests on extreme compassionate grounds are to be considered after the facts represented by the officer are verified, to the extent possible, to ensure that the grounds are genuine.

It would be appropriate that premature exit from the service may be permitted only to genuinely deserving cases. It is therefore, incumbent upon the intermediate authorities to satisfy themselves that grounds on which such exit is sought are genuine and merit consideration. Henceforth, all intermediate authorities may please be asked to record their detailed comments and recommendations on the plea of the applicant before a PMR/Resignation is forwarded to this Headquarters.”

27. He further refuted the contention of the applicant regarding marital discord. He argued that a false averment has been made regarding the upbringing of his child. He further submitted that the Court Case in the Court of Additional Civil Judge, Rajpura is pertaining to eviction notice given to his mother who is a doctor and is practicing in the said premises.

28. Learned counsel for the respondents also argued that the applicant has no vested right to unilaterally retire/resigning in view of the provisions of Army Rules 16-B and 16-C. The officer can submit his application for resignation/PMR. The criteria for acceptance of

requests for PMR has been laid down by the GOI, MoD vide its policy letter dated 20.01.1979.

29. Learned counsel for the respondents further argued that going by the posting of the applicant, it is submitted that commencing from 2001 to date, the officer has been constantly posted in peace area except for 15 months tenure in J&K from May 2005 to August 2006, therefore, question of marital discord due to service reasons does not arise.

30. Learned counsel for the respondents further argued that it is not understood as to how the applicant seeks to resolve his domestic issues of taking care of his father who is staying at Zirakpur, taking care of his ancestral land at Zirakpur and Amritsar while he is residing at Delhi to take care of his conjugal life.

31. In support of his contentions, learned counsel for the respondents cited the judgment of Hon'ble High Court of Delhi given in **WPC No.4646/2005 in the matter of Sqn. Ldr. Shkul Tyagi Vs UOI & Ors.**, wherein the Hon'ble High Court has held that "*In any case, this is not a case where this Court while exercising powers under Article 226 of the Constitution of India should interfere in the decision of the authorities as no case of malice, bias or discrimination has been made out by the petitioner in the challenge to the rejection of the plea of the petitioner for premature discharge.*"

32. He also cited the judgment of Hon'ble High Court of Delhi passed in **WP (C) 2751/2007 in Wg. Cdr. RVR Prasad Vs Union of India & Ors.**, wherein the Hon'ble High Court has observed as under:-

“9. The decision of the Respondents not to accede to the Petitioner's request for premature retirement or for that matter for resignation cannot be seen as perverse. Wherever the Armed Forces are concerned the Writ Court must be constantly mindful of the fact that discipline is the foremost consideration. An eloquent argument was put forward that the Petitioner is quire willing to forgo all his pensionary and other benefits. This argument, however, assumes that these rights have already come into force in his favour, which is a fallacious assumption. The Petitioner must serve for twenty years before any such entitlement ensure to his benefit.

10. This is not a case where it would be appropriate to exercise the extraordinary powers under Article 226 of the Constitution of India.”

33. Learned counsel for the respondents also cited the judgment of **AFT(PB) passed in OA No.423/2010 in the matter of Maj Sumit Sharma Vs Union of India** and Another wherein the Hon'ble Tribunal observed as under:-

“A reply was filed by the respondents and respondents have definitely taken the position that applicant received specialist UAV training as an observer in 2006 for UAV MK-II Systems. Subsequent to the said training, applicant is being suitably employed as per the specialisation. It is further submitted that there is an acute shortage of officers in the Regiment of Artillery and the criticality is more profound for specialist officers.

Applicant was duly considered and his application was rejected by the competent authorities. Since applicant is a specialised officer in particular branch and that branch is already running short of officers, therefore, his resignation was rejected. We do not think proper to interfere in this matter as the National interest has higher priority than any other priority. Since his services are indispensable to the Army because of the specialised training, therefore, we are not inclined to interfere in the matter. Petition is dismissed. No order as to costs.”

34. He also cited the judgment of Hon'ble Apex Court given in **Civil Appeal No.4197 of 2006 arising out of SLP(C) No.5705 of 2006 in the matter of Shakul Tyagi Vs Union of India and Others**, wherein the Hon'ble Apex Court has held that *“this Court by ordering limited notice has rejected the request of the appellant of premature release from service. We see no ground to interfere with the order passed by the High Court. The appeal is accordingly dismissed.”*

35. Having heard both the parties at length and having examined all the documents on record, we observe that the Government of India vide their letter of 10.06.2011 rejecting the statutory complaint of the applicant stated that *“since the service liability of the applicant is upto 22.05.2010 on account of the EODE Course and deficiency of officers, the officer is advised to file an application for PMR with the AHQ, if he so desires”*. But since the case has already been filed in the AFT, the applicant preferred to continue with the case instead of applying afresh to the authorities for PMR. We also observe that the shortage of officers is only upto a particular level i.e., till a person becomes Lt Col

and is under consideration for becoming a full Col. In this case the officer was commissioned on 07.12.1996. He is already in the zone of consideration for select grade Col. Such an officer who is time and again seeking PMR or resignation indicates that he is not fully motivated and therefore, even considering him for promotion will not give optimum benefit to the organisation. To our mind, the shortage of officer is felt only till he comes in the zone for selection to the rank of a Col. Therefore, either he picks up his rank as a full Col or comes under the category of "superseded" officer which give rise additional management factors in order to utilise their expertise and also keep them motivated. Since the applicant is already in this zone and apparently is not motivated to serve further, it may be appropriate for the authorities to consider his PMR with an open mind.

36. It is also revealed from the DO letter dated 15.06.2007 which the applicant had written for his posting on compassionate grounds that he did have concern regarding his marital life. In what form it has been expressed by the applicant and understood by the respondents cannot be commented upon. Suffice to say that it is a complicated matter which can best be dealt by a competent person e.g., a marriage counsellor who deals with such issues. Therefore, giving the benefit of doubt we feel that the concern of the applicant should be given due weightage.

37. We have examined the response given by the respondents to the query made by the applicant under the RTI Act. Examination of the data supplied by the respondents dated 16.11.2011 states as under:-

“4. The desirable/existing percentages of various engineering discipline in the Corps of Engineers are as given below

	<u>Desirable%</u>	<u>Existing %</u>
(a) <i>Civil Engineering</i>	70	50
(b) <i>Mechanical Engineering</i>	10	24
(c) <i>Electrical Engineering</i>	15	18

The applicant belongs to Electrical Engineering Stream. We have noted the assertion of the respondents that an officer can be deployed in various other appointments within the organisation also “*that there is an acute shortage of officers in the rank of Lt Col and below in the Corps of Engineers i.e. against authorisation of 4050 officers there are 3261 officers. Thus, creating a deficiency of 20%.*” Thus, we are of the view that the applicant is now moving out of the zone of Lt Col and he belongs to the Electrical Engineering Stream. .Hence the request for PMR or resignation does not come within the ambit of critical deficiency.

38. We have bestowed our best consideration qua compassionate grounds preferred by the applicant in his application and the stand taken by respondents in rejecting the same. Each ground(s) when

considered separately perhaps may appear unsubstantiated. However, cumulative effect of all these circumstances can become a serious issue for the person who is affected by it. In this case, the applicant has been persistently applying for PMR or resignation since 2006 and perhaps he has been unable to articulate his real problems in a meaningful manner.

39. We have also observed that the applicant is ready to resign. Whether the applicant is given PMR or his resignation is accepted, it is not going to have any implications on the Union of India in terms of pensionary benefits since the applicant has not completed the minimum pensionary service of 20 years but certainly that will not effect his other benefits like gratuity and like other benefits.

40. We have also considered the citations submitted by learned counsel for both the parties. We are convinced that each case has its own merits and needs to be tackled in a sympathetic manner.

41. In view of the above, we feel that it is a fit case to be remanded back to the respondents for consideration. The applicant is at liberty to apply afresh for PMR or his resignation within two weeks of this order. We direct that his case may be decided in the light of our observations and directions of the Government of India dated 10.06.2011. The application should be disposed off within 90 days of the receipt of the application by the respondents. The orders rejecting the applicant's

applications filed earlier will not come in the way of disposal of the fresh application, if so made.

42. We are also conscious of the fact that a stay order was given by the Hon'ble High Court of Delhi for not posting the applicant away from Delhi till such time this case is disposed off. We are also conscious of the policy letter dated 19.11.2010 which debars an application to be entertained for six months prior to completion of his present tenure and/or six months after his assuming the new assignment. We feel that in view of the facts of the case and the stay order granted by the Hon'ble High Court, this restriction be waived without quoting this as precedent.

43. Accordingly, the interim order passed by the Hon'ble High Court of Delhi dated 25.05.2011 stands modified to this extent that till disposal of his PMR issue, he will continue to be posted in Delhi.

44. In the light of above discussion, the present OA is partially allowed. No orders as to costs.

(M.L. NAIDU)
(Administrative Member)
Announced in the open Court
on this 3rd day of February, 2011.

(MANAK MOHTA)
(Judicial Member)