

Suresh Kumar vs Union of India and Ors

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Court : Delhi

Decided On : May-14-2026

Judge : Hon'Ble Mr. Justice Anil Kshetarpal, Hon'Ble Mr. Justice Amit Mahajan

Appeal No. : W.P.(C)/6640/2026

Appellant : Suresh Kumar

Respondent : Union of India and Ors

Advocate for Def. : Mr. Neeraj, Mr. Soumyadip Chakraborty, Mr. Jitendra Kumar Mishra

Advocate for Pet/Ap. : Ms. Mandavi Tripathi, Mr. Sunjeet Mishra, Mr. Kunal Shahi, Mr. Chandan, Ms. Mansi Singh, Ms. Hema Kumari, Ms. Shivani, Mr. Anurag Kumar

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 6640/2026, CM APPL. 32679/2026 & CM APPL. SURESH KUMARPetitioner Through: Ms. Mandavi Tripathi, Mr Sunjeet Mishra, Mr Kunal Shahi, Mr. Chandan, Ms Mansi Singh, Ms Hema Kumari, Ms Shivani & Mr Anurag Kumar, Advs.

versus

UNION OF INDIA AND ORSRespondents Through: Mr. Neeraj (SPC), Mr. Soumyadip Chakraborty, Mr. Jitendra Kumar Mishra (BSF) for UOI.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% 14.05.2026

1. Through this Writ Petition, the Petitioner calls in question his transfer order passed on 03.02.2026.

2. The Petitioner claims that his wife cannot go to Assam and she

is suffering from Chronic Suppurative Otitis Media (CSOM) and is undergoing continuous medical treatment at Delhi-based institutions and his presence is indispensable for her care.

3. Learned counsel representing the Respondent has submitted that

the Petitioners request has been examined and it has been found that the Petitioners wife stays in Haryana (home town) and CSOM is a not a serious medical condition and is a treatable disease, which can be treated in any hospital of the country having EN&T OPD.

4. Transfer is an incident of service and an employee holding a

transferable post cannot claim, as a matter of right, to be posted at a particular place. The power to transfer is vested in the employer and is to be exercised in administrative exigencies. Judicial review in such matters

is confined to examining whether the transfer is vitiated by mala fides, statutory violation, or patent arbitrariness and evidently, the Petitioner has failed to make out case for interference.

5. Accordingly, the Petition is dismissed. Pending applications also stands disposed of. ANIL KSHETARPAL, J AMIT MAHAJAN, J MAY 14, 2026 SK

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