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

+ **W.P.(C) 6407/2015**

BRIGADIER A.K. VERMA

..... Petitioner

Through: Ms Jyoti Singh, Sr. Adv. with Ms Tinu Bajwa, Mr Amandeep Joshi and Mr Dinesh Yadav, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr Rohan Gupta, Adv with Col. Nawal Kishore Ohri

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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13.07.2015

Issue notice. Mr Rohan Gupta, Advocate accepts notice on behalf of the Respondent. The Petitioner challenges an order dated 13.05.2015, issued by the Indian Army, directing him to report to duties as of a Director General, NCC Jammu.

The writ petitioner, a Brigadier rank officer, complains of arbitrariness, contending that the impugned order is contrary to the established policy. Appearing on advance notice, learned counsel for the Respondents has produced the file. Col. Nawal Kishore Ohri is present in Court. He has produced the original file. During the course of the hearing, we had suggested that the Respondents accommodate the Petitioner to the fullest extent possible. In line with this suggestion, the Respondents have agreed to extend the joining time, within which the Petitioner was to report for duty in Jammu, by a month. It is further more stated that the Petitioner would be sent on

attachment to Delhi immediately after his reporting to Jammu and then be allowed to apply for annual leave for two months.

Learned counsel for the Petitioner submits that having regard to the peculiar circumstances and the condition of his daughter as well as the acute and critical condition of his father, the period of stay of the Petitioner in the residential quarter allotted to him be extended.

In the light of the above submissions, the following directions are issued: (i) the Petitioner shall be allowed to join by a month—ending not later than 24.08.2015; (ii) the Respondents shall ensure that an attachment order is issued within a week after the petitioner reports for duty at Jammu. By this order, the Petitioner shall be attached in New Delhi for a period of two months. It is open to the Petitioner to apply for annual leave up to 2 months before the expiry of the attachment period. In case of receipt of such application, the Respondent shall pass appropriate order, granting the relief.

In case the Petitioner represents that he be permitted to retain the accommodation within a week from today, the concerned authorities of the Respondents shall deal with it on its merit and communicate their decision within two weeks thereafter.

The writ petition is disposed off in terms of the above directions.

Order *Dasti*.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JULY 13, 2015/bg