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

+ **W.P.(C) 561/2016**

Decided on : 01.03.2016

IN THE MATTER OF:

L/NK PRAKASH CHAND

..... Petitioner

Through : Mr. Indra Sen Singh with
Mr. Abhishek Singh, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr. Jasmeet Singh and
Ms. Astha Sharma, Advocates with
Lt. Col. Amar Gautam, Unit 307.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

HIMA KOHLI, J. (Oral)

1. The present petition has been filed by the petitioner praying *inter alia* for quashing the order dated 18.12.2015 issued by the respondents, posting him to 98 Field Regt at Gangtok, Sikkim.

2. On the last date of hearing, counsel for the petitioner had argued that though the respondents are well aware of the medical condition of the petitioner's wife, who has been diagnosed with obsessive compulsive disorder and is required to undergo treatment for at least three years as per the Medical Certificate dated 20.11.2014 issued by the Base Hospital, Delhi Cantt., have proceeded to post the petitioner at a place which is not

equipped with any psychiatric facility, which would seriously hamper his wife's treatment.

3. In response, Mr. Jasmeet Singh, counsel for the respondents, had stated, on instructions, that though Gangtok, the place of the petitioner's transfer, is equipped with a psychiatric facility, his case for change of place of posting has been recommended to the superior authority and it would take at least four weeks time for necessary orders to be passed.

4. In view of the said submission, while restraining the respondents from insisting on the petitioner joining his place of posting at Gangtok till the next date of hearing, the case was adjourned for today.

5. Today, Mr. Jasmeet Singh, learned counsel for the respondents states that after the present petition was filed, the petitioner had submitted a representation dated 29.1.2016 to the respondents seeking compassionate posting and specifying therein three stations of choice, namely, Lucknow, Gurgaon (Haryana) and Pune. He submits that upon considering the petitioner's representation dated 29.1.2016, the respondents have recently issued an order dated 25.2.2016, whereunder he has been attached to HQ 41, Arty. Division, Pune for a period of six months upto 4.9.2016.

6. Counsel for the petitioner states that attachment of the petitioner for a period of six months would not entitle him to any residential accommodation, which will create more problems for his family as Pune is a peace station and he would have to give up the accommodation allotted to him at Delhi.

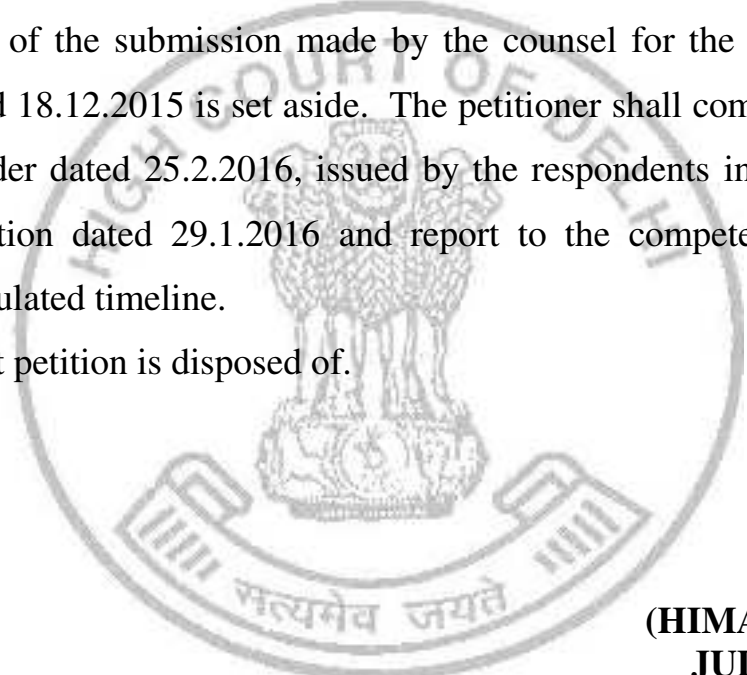
7. Learned counsel for the respondents states that if the petitioner applies for Compensation in Lieu of Quarter (CILQ), the request shall be considered favourably and processed at the earliest. The Court is also informed that the

grievance of the petitioner that his attachment is only for a limited period of six months, can be redressed in the light of the instructions at para 4 of the letter dated 25.2.2016 issued by the respondents that entitles him to seek extension of attachment on the same compassionate ground at the same station, by making such a representation two months in advance.

8. A copy of the affidavit prepared by the respondents is handed over by the counsel for the respondents with a copy handed over to the other side and the same is taken on record.

9. In view of the submission made by the counsel for the respondents, the order dated 18.12.2015 is set aside. The petitioner shall comply with the attachment order dated 25.2.2016, issued by the respondents in the light of his representation dated 29.1.2016 and report to the competent authority within the stipulated timeline.

10. The writ petition is disposed of.



(HIMA KOHLI)
JUDGE

(SUNIL GAUR)
JUDGE

MARCH 01, 2016

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