

\$~12

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

+ W.P.(C) 1903/2015

RAVISH CHANDER

..... Petitioner

Represented by: Mr.Sudhir Nagar, Advocate with
Mr.M.K.Saroja, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Represented by: Mr.Kirtiman Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **18.07.2016**

1. The petitioner has been opined to be suffering from locomotor disability as well as mental disorder. Due to an injury sustained while on duty the right lower limb of the petitioner has been shortened. The right knee has locomotor disability. The injury has caused mental problem. The petitioner suffers from bipolar mood disorder. The grievance in the writ petition is petitioner being transferred and posted with the 94th Bn. BSF stationed in Jammu. Currently the petitioner is with the 25th Bn. BSF stationed at Delhi.

2. Learned counsel for the petitioner states that keeping in view the physical and the mental problem which the petitioner suffers from, if make to work in an environment which is hostile the petitioner's problem would definitely get aggravated.

3. Even at Delhi, the petitioner is not given active duty such as being on guard. He is assigned duties on the desk.
4. Learned counsel for the respondent states that in Jammu the petitioner would be given desk duty such as on telephone, dispatch register etc. Meaning thereby, petitioner would not encounter any emotional stress while working.
5. Now, if the petitioner is assigned desk duties inside the precincts of the office of the battalion, where he is posted it hardly matters : whether he works in Delhi or in Jammu.
6. The disablement of the petitioner requiring medical aid is of a kind which is available at Jammu.
7. We note that static postings are meagre in number. At Delhi jawans are posted because either they or their spouse or child suffers a medical problem of a kind where specialized treatment available only at Delhi is available. Keeping petitioner here would mean another worthy cause being sacrificed.
8. The petitioner has been in Delhi since April 02, 2010.
9. The writ petition is accordingly dismissed but granting petitioner 15 days time to be discharged from Delhi for reporting at Jammu.
10. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 18, 2016

mamta