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

+ **W.P.(C) 2959/2016 & CM No.12371/2016**

TARKESH PRASAD Petitioner.
Through : Ms. Jasvinder Kaur, Advocate

versus

BORDER SECURITY FORCE & ANR. Respondents
Through : Mr. Manish Mohan, CGSC with
Ms. Manisha Saroha, Advocate.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
18.04.2016

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1. The petitioner is aggrieved by the Signal dated 16.3.2016 issued by the respondent/BSF attaching him with 95th Battalion, Haryana with immediate effect to provide medicare to the health care beneficiaries situated at Bhondsi.
2. On the last date of hearing, counsel for the petitioner had submitted that the petitioner is presently discharging his duties at the FHQ BSF Hospital-II, Tigri where he had been transferred in May, 2015 and he is going to superannuate in December, 2016. She had stated that having regard to the fact that the petitioner had recently been transferred to FHQ BSF Hospital-II, Tigri, there was no good reason for him to be transferred once again and that too in less than one year, to the 95th Battalion, at Bhondsi, Haryana particularly when his wife's medical condition continues to remain precarious as she is regularly undergoing dialysis at B.L. Kapoor Hospital,

New Delhi. She had requested that the petitioner be accommodated till he superannuates in December, 2016.

3. In view of the aforesaid submission, the matter was adjourned for today and in the meantime, the respondents were directed not to take any coercive steps against the petitioner in terms of the impugned Signal dated 16.3.2016. Counsel for the respondents was also directed to obtain instructions from the department and clarify as to whether two vacancies would come up in the near future at the BSF Hospitals at Tigri and R.K. Puram.

4. Today, counsel for the petitioner states that contrary to the order dated 4.4.2016, vide order dated 11.4.2016, the respondents have directed the petitioner to report to the Bhondsi location at Haryana with immediate effect. The said document is handed over and taken on record.

5. Mr. Mohan, learned counsel for the respondents states that prior to filing the present petition, the petitioner had submitted a representation dated 8.4.2015, wherein he had assured his superior officers that if his request for being posted in any medical establishment in Delhi is acceded to, then he shall extend his professional medical services to the health care beneficiaries at the Bhondsi location on a regular basis. He submits that it was in view of the aforesaid request that though the petitioner's place of posting was at Delhi, he was permitted to render medical services at the Bhondsi location.

6. As for the status of the vacancy position at Tigri and R.K. Puram, Delhi, we are informed that one vacancy each shall arise in June, 2016 at Tigri and R.K. Puram respectively.

7. Having regard to the peculiar facts and circumstances of the present case and keeping in mind the fact that the petitioner shall be superannuating

in December, 2016, which is eight months down the line and further, taking into consideration the fact that one vacancy each shall come up at Tigri and R.K. Puram in June, 2016, it is deemed appropriate to dispose of the present petition with directions to the respondents to permit the petitioner to continue rendering services from his permanent place of posting at Delhi with the additional charge at Bhondsi, till a vacancy arises either at Tigri or at R.K. Puram, and immediately thereafter, the petitioner shall be accommodated at any of the aforesaid two places, till he superannuates in December, 2016.

8. Needless to state that the order passed herein above is in the peculiar facts and circumstances of the present case and shall not be treated as a precedent in any other case.

9. The writ petition is disposed of, along with the pending application.

HIMA KOHLI, J

VIBHU BAKHRU, J

APRIL 18, 2016

sk/ap/rkb