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

+ W.P.(C) 3213/2016 & C.M. 13704/2016

SHAMBU DAYAL

..... Petitioner

Through: Mr. Siju Thomas, Mr. Rohit
Adlakha & Ms. Shilpa M. George,
Advocates

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Vivek Goyal, CGSC &
Mr. Priyank Khattar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

12.05.2016

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1. The present petition has been filed by the petitioner, who is working as a Head Constable in the Air Wing of BSF, praying *inter alia* for directing the respondent No.2-BSF for attachment in the Ministry of Home Affairs in New Delhi, as recommended in the letter dated 17th March, 2016.

2. On the last date of hearing, learned counsel for the petitioner had stated that one of the five children of the petitioner, aged 25 years, suffers from *mild mental retardation with 50% disability* and is undergoing treatment at AIIMS, New Delhi, which facility would not be available at

his proposed place of posting at 34 Battalion, West Bengal. He had submitted that owing to his daughter's condition, his posting in New Delhi had been extended till 31st March, 2016, whereafter a representation was submitted to the respondents to consider a recommendation dated 17th March, 2016 made by the Ministry of Home Affairs to the BSF for retaining him in Delhi, but no decision has been taken by the respondents so far.

3. In view of the aforesaid submission, learned counsel for the respondents, who had appeared on advance notice, was directed to obtain instructions from the department to as whether the respondents have considered the recommendation dated 17th March, 2016 made by the Ministry of Home Affairs to the BSF, in respect of the petitioner.

4. Today, learned counsel for the respondents hands over a letter dated 11th May, 2016, issued by the Directorate General Border Security Force stating *inter alia* that the petitioner's case has been examined in consultation with the BSF Medical Directorate, New Delhi, who has opined that his daughter suffers from *mild mental retardation with 50% disability* and her treatment shall be available at a Super Speciality Hospital and PGI at Chandigarh. Considering the said medical opinion, the competent authority has approved the petitioner's posting at 62 Battalion BSF, which is deployed at Mohali, Chandigarh, where adequate medical facilities are available. A copy of the said letter dated 11th May, 2016, is taken on record with a copy furnished to the petitioner's counsel.

5. Learned counsel for the petitioner states on instructions that the petitioner is agreeable to being posted at Mohali, in terms of the letter dated 11th May, 2016.

6. Accordingly, the present petition and application are disposed of in the light of the letter dated 11th May, 2016.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 12, 2016

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