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

+ **W.P.(C) 3611/2016**

A.K. NAYAK

..... Petitioner

Through: Mr. A.S. Dateer, Advocate with
petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Rajesh Kumar, Advocate with
Mr. Pradeep Jha and Mr. Santwana, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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09.05.2016

CM APPL. 17062/2016 (by the petitioner for early hearing)

1. Issue notice.
2. Counsel for the respondents accepts notice and states that he does not wish to oppose the present application for the reasons stated therein.
3. Accordingly, the application is allowed. With the consent of the parties, the hearing in the petition is expedited for today itself.
4. The application is disposed of.

W.P.(C) 3611/2016 and CM APPL. 15487/2016 (stay)

1. The present petition has been filed by the petitioner praying *inter alia* for quashing the final order dated 14.4.2015 passed by the Respondent No. 4, and the order dated 10.6.2015 passed by the respondents as also the Show Cause dated 29.02.2015, issued by the respondents No.2. He further prays for issuance of a writ of prohibition, for restraining the respondents from

implementing the Movement order dated 24.02.2016, till the requisite period of posting of the petitioner at Delhi is not over.

2. Counsel for the respondents, who appears on advance notice, submits that after filing the present petition, a Movement order dated 15.04.2016 was served on the petitioner, whereunder he was informed that he had been relieved from the unit where he was attached, on 15.04.2016 and was directed to report to his place of transfer at Dhanbad within 15 days.

3. On enquiring from the counsel for the petitioner as to whether the petitioner has reported to his place of transfer at Dhanbad, he submits on instructions from the petitioner, who is present in Court, that he has remained on medical leave.

4. Counsel for the respondents states that instead of reporting to the CISF Hospital at Saket for getting himself checked up, the petitioner had on his own proceeded to Dr. Ram Manohar Lohia Hospital for a check up and that too on 25.04.2016, after ten days from the date of issuance of the transfer order. He submits that as per the report of the examining doctor at Dr. Ram Manohar Lohia Hospital enclosed with the petitioner's leave application, he was advised rest for 10 days effective from 25.04.2016, which period had expired on 04.05.2016 and despite the same, the petitioner has remained on leave without any permission. He further states that this is not the first time that the petitioner has played hookey and even earlier, he had not been reporting for his duty on several occasions. On one occasion, in the year 2014, the petitioner had given an excuse that he was suffering from hepatitis and when he was referred to Kailash Hospital and Heart Institute, Delhi, for a check up, it transpired that he had not been suffering from any such ailment. The documents handed over by the counsel for the

respondents in support of the said submissions are taken on record.

5. Keeping in mind the petitioner's past conduct, we do not have any sympathy for him as he appears to be a regular defaulter. We are therefore not inclined to entertain the present petition by restraining the respondents from giving effect to the Movement order dated 15.04.2014, issued subsequently.

6. The petitioner shall report to his place of transfer at Dhanbad within three days from today.

7. As for the second relief prayed for by the petitioner, which is for quashing the final order dated 14.04.2015, issued by the respondent No.2, i.e. Assistant Commandant, CISF, counsel for the respondents submits that the aforesaid order has been reviewed, whereafter a fresh notice to show cause was issued to the petitioner and he had made a representation in response thereto, which has been rejected vide order dated 19.04.2016.

8. As counsel for the petitioner states that his client has not received a copy of the final order dated 19.4.2016, a copy thereof shall be furnished to the petitioner within two day.

9. In view of the aforesaid development, prayer (b) has been rendered infructuous.

10. The present petition is accordingly disposed of alongwith the pending application.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 09, 2016/rkb/ap