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

+ **W.P.(C) 3531/2016**

COLONEL RAMANJIT SINGH KAPANY SENA MEDAL (IC-46400 L) Petitioner

Through: Ms. Jyoti Singh, Sr. Advocate with
Ms. Tinu Bajwa, Advocate

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC
with Mr. Brajesh Kumar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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18.05.2016

1. On the last date of hearing, counsel for the respondents was directed to produce the note dated 15.12.2014, mentioned in the letter dated 23.12.2014, emanating from the Military Secretary's Branch and filed at page 60 of the counter affidavit. The said document has been produced today. However, the same does not throw any light on the issue except for reiterating that the Military Hospital, Kamptee is equipped with an Orthopaedic Unit.

2. On the first call, the matter was passed over at the request of the counsel for the respondents, who had wanted to obtain instructions from the Department in the light of the stand taken by the petitioner that no

Orthopaedic Specialist is available at Military Hospital, Kamptee. On the second call, counsel for the respondents states on instructions that though an Orthopaedic Specialist is not available at the Military Hospital, Kamptee, but a Surgeon Specialist is available and he has been attending to patients, suffering from orthopaedic problems including arthritis, ever since he was posted there in October, 2015. He further states that had the petitioner referred to his mother's medical condition while submitting his representation dated 01.12.2015, the said aspect would have been examined while considering his request for a last leg posting at Pune. However, para 6 of his representation only mentions the fact that the petitioner's sons are studying in Pune and he has purchased a premises in Pune, where he proposes to settle down post retirement.

3. It is stated on behalf of the respondents that if the petitioner submits a fresh substantive representation wherein, amongst others, his mother's medical condition could be highlighted for seeking his last leg posting in Pune, the same shall be duly considered and a decision taken within two weeks from the date of receipt of such a representation.

4. Counsel for the petitioner states on instructions that a fresh representation shall be submitted by the petitioner within three days from today.

5. Accordingly, the present petition is disposed of while directing the respondents to decide the fresh representation proposed to be submitted by the petitioner, under written intimation to him within ten days from the date of receipt thereof.

6. Till an appropriate order is passed by the respondents on the petitioner's representation, they shall not give effect to the impugned order dated 20.04.2016.

7. If the petitioner is aggrieved by the decision taken by the respondents, he shall be entitled to seek his remedies in accordance with law.

8. The petition is disposed of

HIMA KOHLI, J

SUNIL GAUR, J

MAY 18, 2016
rkb/mk

