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

+ W.P.(C) 3691/2016 & C.Ms.15778-79/2016

SANT KUMAR Petitioner
Through: Mr. Srinivasa Rao K., Advocate

versus

THE DIRECTOR-GENERAL, INDO TIBETAN BORDER
POLICE FORCE Respondent
Through: Mr. Arun Kumar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
03.05.2016

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1. The present petition has been filed by the petitioner praying *inter alia* for quashing the order dated 22nd March, 2016, whereunder he has been transferred from 26th Battalion (Ludhiana) to 31st Battalion (Arunachal Pradesh).

2. Learned counsel for the petitioner submits that the petitioner, who is working on the post of a Constable with the ITBP, had suffered a serious injury in the year 2009 while performing his duties at Leh Ladakh and ever since then he has been undergoing treatment at the Base Hospital of ITBP, New Delhi and at the Battalion Headquarters Hospital, Ludhiana. He submits that though the respondent was well aware of the fact that the petitioner is only fit to perform sedentary duty, yet the

impugned order has been issued directing him to report for duty at Arunachal Pradesh where he will not be able to perform his duties due to his medical condition.

3. Learned counsel for the respondent, who appears on advance notice, states on instructions that the petitioner has submitted a representation dated 9th April, 2016 for seeking recall of the transfer order, which is under active consideration, but it shall take six weeks to dispose of the said representation. He assures the Court that in the interregnum, the respondent shall not insist that the petitioner reports to the 31st Battalion at Arunachal Pradesh in terms of the impugned transfer order dated 22nd March, 2016.

4. In view of the aforesaid submission, the present petition is disposed of along with pending applications with direction issued to the respondent to consider and decide the petitioner's pending representation dated 9th April, 2016 within a period of six weeks under written intimation to him. Till the said representation is decided, the respondent shall not insist on the petitioner joining his new place of posting. If the petitioner is aggrieved by the decision that may be taken by the respondent, he shall be at liberty to seek his remedies in accordance with law.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 03, 2016

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