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

+ W.P.(C) 4161/2016 & C.M. 17548/2016

SHIV RATAN LAL

..... Petitioner

Through: Mr. Rakesh Dahiya, Advocate with
the petitioner in person

versus

UOI AND ORS.

..... Respondents

Through: Mr. Jaswinder Singh, Mr. G.L.
Bhatia & Mr. A.S. Jolly,
Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **26.05.2016**

1. The present petition has been filed by the petitioner praying *inter alia* for directions to the respondent-BSF to quash the Movement Order dated 1st April, 2016, whereunder he has been directed to report at 195 Battalion at Tripura.

2. Learned counsel for the petitioner states that the petitioner's wife has been suffering from a hip joint fracture and has undergone several operations for the same. However, her hip joint had become dysfunctional, due to which she was advised to undergo a total hip

replacement surgery. He states that first hip surgery of the petitioner's wife took place in October, 2015 and the second hip surgery for the right hip has been fixed by the Doctor at Safdarjung Hospital, New Delhi at the end of November, 2016 or the beginning of December, 2016. To substantiate the said submission, learned counsel for the petitioner hands over a certificate dated 24th May, 2016 issued by the Associate Professor at Safdarjung Hospital, New Delhi. The same is taken on record.

3. Learned counsel for the respondents states that he has obtained instructions to the effect that the respondents are willing to change the petitioner's place of posting from Tripura to Jammu, but they are not in a position to accept his request for remaining in Delhi for a further period of six-seven months, as he has remained posted in Delhi for almost five years.

4. Learned counsel for the petitioner states on instructions that the petitioner is ready and willing to accept the posting at Jammu but the respondents be directed to grant him adequate leave as and when he applies for the same, so that he can attend to his bed ridden wife, particularly one month prior to and for a couple of months after the surgery.

5. In view of above, the present petition and the application are disposed of with directions to the respondents to issue a fresh Movement Order in respect of the petitioner, posting him at Jammu within one week from today. The petitioner shall report to his place of posting within the prescribed time. As and when the petitioner submits a leave application to attend to his bed ridden wife, who has yet to undergo the second hip

replacement surgery or for any other medical reason, the respondents shall consider the said request sympathetically and accommodate the petitioner.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 26, 2016

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