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

+ W.P.(C) 5361/2016 & C.Ms.22360-61/2016

KRISHNA CHANDRA PANDEY Petitioner

Through: Mr. Srinivasa Rao, Advocate

versus

DIRECTOR GENERAL, BORDER SECURITY FORCE & ANR.

..... Respondents

Through: Ms. Suparna Srivastava, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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01.06.2016

1. The present petition has been filed by the petitioner, who is presently posted as a Head Constable (GD) at the BSF Base Hospital –II, Tigri Camp, New Delhi (Frontier Head Quarters-Medical Directorate), praying *inter alia* for quashing his transfer order dated 2nd April, 2016, transferring him to 158 Battalion, Tripura.

2. Learned counsel for the petitioner states that the petitioner is suffering from chronic Pancreatitis, due to which he has been placed in a Low Medical Category. He has had to undergo three surgeries for placing stents in his pancreas during the years 2013-16 and is expected to undergo an open pancreatic surgery in the near future. He also states that the respondents are aware of the petitioner's medical condition and

despite the same, he has been transferred to Tripura, which will result in aggravating his medical condition. He further states that in any case, the petitioner has submitted a representation dated 7th April, 2016, whereunder he has requested the respondents that either his transfer order dated 2nd April, 2016 be cancelled or he be permitted voluntary retirement.

3. Ms. Suparana Srivastava, Advocate, who appears on advance notice, states on instructions that the representation of the petitioner is under the consideration of the respondents and it has recently been forwarded to the Head Quarters. She states that it will take atleast three weeks to get the same processed and in the meantime, the petitioner shall not be relieved in terms of the transfer order dated 2nd April, 2016.

4. In view of the aforesaid submission, the present petition and the applications are disposed of with direction issued to the respondents to consider and decide the petitioner's representation dated 7th April, 2016 within four weeks by passing a speaking order, under written intimation to him. Till the petitioner is communicated the decision taken by the respondents, he will not be relieved from his present place of posting.

5. Copy of this order be given *dasti* to counsel representing both the sides.

HIMA KOHLI, J

SUNIL GAUR, J

JUNE 01, 2016

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