

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6450/2016, CM No.26428/2016(stay)**

OMKAR NATH TRIPATHI Petitioner
Through: Mr.Srinivasa Rao K., Adv.

versus

**DIRECTOR GENERAL, INDO-TIBETAN BORDER POLICE &
ANR** Respondents
Through: Mr.Vivekanand Mishra, Adv.

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **08.09.2016**

1. This writ petition is directed against an order of transfer whereby the petitioner has been transferred from 22nd Battalion, Tigri, New Delhi to 20th Battalion, Aalo, Arunachal Pradesh. It is the case of the petitioner that the petitioner has been transferred to an extreme hard area by erroneously marking his medical grade as Shape-1, whereas in fact the petitioner has suffered a knee cap fracture on his right leg, which has led to his permanent disability. It is stated that the petitioner had been placed in the Low Medical Category for the last 3 to 4 years. The petitioner also claims to have been under treatment for diabetics and other ailments.

2. By an order dated 26th July, 2016, the Division Bench presided over by Pradeep Nandrajog, J. requested the respondents to treat the writ petition as representation and inform the Court of their decision.

3. A decision has since been taken to subject the petitioner to a fresh medical examination to determine his medical grade and pending such determination, the order of transfer shall be kept in abeyance.

4. In view of the aforesaid decision, no further order need to be passed on the writ petition. The writ petition as well as the pending application are disposed of.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 08, 2016
RN