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

+ W.P.(C) 7739/2016 & CM. No. 31960/2016

ROOPI SINGH

..... Petitioner

Through: Mr. P.K. Mittal, Ms. Asha Garg, Advs.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Arun Kumar, Adv. for UOI with
Mr. Arvind Sharma, DC (BSF)

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **02.09.2016**

1. The petitioner has yet again approached this Court by way of this writ petition, the earlier being writ petition bearing WP(C) no.6917/2016, which was withdrawn by the petitioner on August 8, 2016. On the said date, statement was made by the learned counsel for the respondents that a movement order shall be issued to the petitioner giving him 15 days time to join the place of appointment.

2. Today, learned counsel for the petitioner sought to rely upon a certificate issued on 26th August, 2016 whereby the Doctor concerned has recommended leave of six weeks.

3. Learned counsel for the respondents, on instructions, states that the

respondents are not privy to the certificate so issued. He further states that the leave due to the petitioner has been exhausted. He also states the absence / non-joining of the petitioner is in violation of the provisions of Section 19 of the BSF Act.

4. We refrain from saying anything on the submissions made by the learned counsel for the respondents. Suffice to state, the order dated August 8, 2016 is very clear. During the course of submission, the learned counsel for the petitioner had stated that since the respondents are not privy to the certificate issued by the Doctor recommending leave for six weeks, he shall withdraw the writ petition and make a representation enclosing therewith the certificate now issued by the Doctor for consideration and appropriate orders of the competent authority. If that be so, the representation, if any, to be made by the petitioner shall be considered by the respondent authorities, who shall pass the order in that regard.

5. With the aforesaid observations, the petition is dismissed as withdrawn.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 02, 2016/RN