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

+ **W.P.(C) 8366/2016 & CM. No. 34647/2016**

CHETENDER PAL SINGH Petitioner
Through: Ms. Saahila Lamba, Adv.

versus

UNION OF INDIA AND ORS Respondent
Through: Mr. Gaurav Sarin, Adv. for R1 to R3
with Mr. Arvind Sharma, DC/Law, BSF.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **04.10.2016**

W.P.(C) 8366/2016

1. The petitioner, a Cook, in the Border Security Force has filed this writ petition challenging a Movement Order dated July 24, 2015 whereby he has been transferred to the 46 Battalion of BSF at Jammu.

2. It is true that the petitioner has in the writ petition sought orders for quashing of the impugned Movement Order. However learned counsel does not press the aforesaid prayer. The petitioner seeks deferment of the impugned Movement Order on the ground that his wife is suffering from breast cancer and is scheduled to be operated upon at the All India Institute of Medical Sciences in December, 2016.

3. The petitioner had made a representation to the respondent authorities, which has been considered and disposed of with a decision to post the petitioner only at places where Super-Speciality Clinics for treatment of

cancer are available. In Jammu, Super-Speciality Clinic for treatment of Cancer is available. However, considering the fact that the petitioner's wife is scheduled to undergo operation at the All India Institute of Medical Sciences, purely on compassionate ground, respondent shall defer the impugned Movement Order till December 31, 2016.

4. It is further made clear that this order has been passed purely on compassionate grounds and shall not be treated as a precedent and the petitioner shall not resist any movement / transfer order after December 31, 2016.

5. It is made clear that after 31st December, 2016, the petitioner may be transferred even though his wife's post-operational treatment, if any, may have to continue.

6. If for any reason, the operation does not take place within December, 2016, petitioner shall join the post to which he is transferred, and then, if necessary, get his wife operated at a Super-Speciality Clinic available at his place of posting, or in Delhi by taking leave.

7. The petition is disposed of accordingly.

CM. No. 34647/2016

Dismissed as infructuous.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

OCTOBER 04, 2016/jg

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