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

+ W.P.(C) 10254/2015

HEAD CONST. ASHISH KUMAR Petitioner
Represented by: Mr.Aditya Dahiya, Advocate.

versus

UNION OF INDIA AND ORS. Respondents
Represented by: Mr.Arun Kumar, Advocate
with Mr.Arvind Sharma,
Deputy Commandant/BSF,
Mr.Yogesh Kumar, Insp./M
and Mr.Rajiv Kumar, ASI/M
from BSF.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
16.08.2016

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CM Nos.29480-29481/2016

Allowed subject to all just exceptions.

CM No.29478-29479/2016

1. The writ petition was disposed of vide order dated August 02, 2016
which reads as under:

*'1. The son of the petitioner suffers from Bronchial Asthma.
So do more than 25% of the children in Delhi. The reason is
obvious. Air pollution.*

*2. The petitioner questions his movement order requiring
the petitioner to move to the 121st Bn. BSF located at
Panjipura. On November 03, 2015 status quo was directed to
be issued by this Court.*

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3. *Noting that the son of the petitioner needs monthly check up, and in case of emergency hospitalization, the respondents have withdrawn the posting order challenged in the writ petition and in place thereof have posted the petitioner at the Frontier Headquarter in Guwahati.*

4. *Concededly, in the city of Guwahati there is a Government Medical College and a hospital which has more than adequate facilities to take care of persons suffering from Bronchial Asthma.*

5. *Large number of force personnel of BSF have either personal or a W.P.(C) No.10254/2015 Page 2 of 2 family member suffering from a medical disability and these are cases where specialized treatment, such as for cancer treatment etc. has to be administered.*

6. *We dispose of the petition as infructuous for the reason the transfer posting order has been withdrawn by the respondent. The new place of transfer i.e. the city of Guwahati has adequate medical facilities to treat patients of Bronchial Asthma.*

7. *Interim stay granted is vacated. The petitioner shall be issued a fresh movement order requiring him to join the Frontier Headquarter at Guwahati.*

8. *No costs.'*

2. Suffice it to state that the order was passed on the statement made by learned counsel for the respondents that the petitioner would be posted at the Frontier Headquarter, Guwahati. The movement order issued thereafter requires petitioner to report to the Commandant of the 71st Battalion, BSF. The Battalion is stationed at Dhubri. Since the movement order is in conflict with the assurance given and as recorded in the order dated August 02, 2016, we dispose of both the applications quashing the movement order

dated August 08, 2016 with a direction that the Commandant of the 25th Battalion, BSF shall continue to take work from the petitioner and treat him on the strength of the 25th Battalion, BSF till a movement order is issued to the petitioner which complies with the order dated August 02, 2016.

3. No costs.

4. Copy of the order be given dasti to learned counsel for the parties under the signature of Court Master.

PRADEEP NANDRAJOG, J.

AUGUST 16, 2016/ 'st'

PRATIBHA RANI, J.