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

+ W.P.(C) 5223/2017

NARENDER KUMAR

..... Petitioner

Through : Mr. Ankur Chhibber and Mr. Aditya
Chhibber, Advs.

versus

THE UNION OF INDIA AND ORS

..... Respondents

Through : Mr. Amit Mahajan, CGSC and Mr.
Nitya Sharma, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

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31.05.2017

CM No.22191/2017 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

W.P.(C) 5223/2017 & CM No.22190/2017 (Stay)

Petitioner met with an accident on 29th July, 2012 at Old Delhi Railway Station while boarding a bus. As per office order dated 17th December, 2012 the accident has been treated as an incident while attending government duty of the official.

Reliance has also been placed upon the certificate issued by Civil Surgeon, Rewari that petitioner has 70% disability and is suffering from “*Brachial Plexus Injury with inability to use right upper limb*”.

By the impugned order the petitioner has been transferred out of Delhi and has to report 121, Batallion at Kathua (J&K). Learned counsel for petitioner submits that petitioner has no objection to transfer/posting but

the place of posting and duties assigned to him must be after considering the disability suffered by the petitioner and medical care required.

In view of the nature of controversy and limited issue involved we would dispose of the writ petition with the direction that the respondents would keep the medical and physical condition in mind and accordingly decide whether the petitioner may be posted and should report to Jammu or Kathua. In case the respondents feel that petitioner should not be posted to Kathua or Jammu, it will be open to the respondents to post the petitioner at another location. The decision as aforesaid would be taken by the respondents within a period of 15 days from today. The Movement order will be issued to the petitioner only after the authorities have considered the aforesaid aspects. In case the petitioner would still have any grievance, it will be open to the petitioner to challenge the order, in accordance with law or move an appropriate application in the present petition. Order passed would be communicated to the petitioner.

The writ petition is disposed of in the above terms.

Dasti under the signature of the Court Master.

SANJIV KHANNA, J

PRATHIBA M. SINGH, J

MAY 31, 2017/dk