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

+ W.P.(C) 12153/2016 & CM Nos.6851/2017 (stay), 6852/2017 (for additional documents)

TAMAL SANYAL Petitioner

Through Mr.Santanu Ghose, Adv.

versus

UNION OF INDIA & ANR Respondents

Through Mr.G.Tusar Rao, Sr.Panel Govt.
Counsel with Mr.S.S. Sejwal, Law
Officer, CRPF.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **22.02.2017**

This writ petition has been filed seeking the following reliefs:

- a) Issue a writ, order or direction in the nature of mandamus directing the Respondent No.2 to give consent for the attachment posting of the petitioner with Ministry of Home Affairs;
- b) Issue a writ, order or direction in the nature of mandamus directing the Respondent No.2 to immediately release the pay and allowance of the petitioner, which has illegally withheld by the Respondent No.2 since August, 2016;
- c) Issue a writ, order or direction in the nature of mandamus directing the Respondent No.2 to put in abeyance the Office Order No.T.IX.1/2016-17-PR-DA-I dated 23/05/2016 during the pendency of the present writ petition;
- d) Pass such other or further orders as this Hon'ble Court may deem proper in the fact and circumstances of the case and the interest of justice".

It appears that an order was issued whereby the petitioner was transferred to Silchar. The petitioner was to report to the DIG, Silchar. The petitioner however, did not join. He claimed that he was suffering from jaundice. Medical leave was granted to the petitioner for about 12 days.

The order of transfer was issued in May, 2016. Till date the petitioner has not joined the post to which he has been transferred. It appears that the petitioner applied for extension of medical leave whereupon he was directed to report 95 Bn. CRPF, Varanasai (UP) on or before 19th May, 2016, along with copy of the medical documents in connection with his treatment for obtaining second medical opinion from the Medical Officer of the 95th Battalion, CRPF, Varanasi. The handwritten prescription dated 22nd September, 2016 of the Medical Officer of the 95th Battalion, CRPF at Varanasi reads **“He was advised medication/Physiotherapy from DDU Hospital. He is on rest w.e.f. 16.8.2016 till date on 20.09.2016. He consulted BHU Trauma Centre for the same and advised rest for 07 days w.e.f. 20.9.2016”**.

The petitioner did not report to Silchar even after September 2016. Prima facie it appears to us that there was gross indiscipline on the part of an

officer of a disciplined force. Such behaviour cannot be countenanced. The writ petition is dismissed. Considering that the petitioner is without salary, we are refraining from imposing costs, although, the writ petition is liable to be dismissed with exemplary cost.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

FEBRUARY 22, 2017/vp