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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6799/2017 & CM 28333/2017

RAJESH KUMAR

..... Petitioner

Through: Mr.Manohar Lal, Adv.

versus

UOI AND ANR

..... Respondents

Through: Mr.Vivek Goyal, CGSC for UOI along
with Inspector M.Vishwakumar, BSF

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

30.08.2017

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On 8th August, 2017, the following order was passed:-

“Learned counsel for the petitioner states that 162 battalion of BSF has been presently posted at Trishul in Kerala and not in the State of Jammu and Kashmir.

Learned counsel for the respondents would obtain instructions as to the medical facilities available at the place where the petitioner has been posted.

Learned counsel for the petitioner also submits that the petitioner may be granted extended date of joining if proper/adequate medical facilities are available at the place of posting.

Re-list on 22nd August, 2017.

Till the next date of hearing, the petitioner would continue to report to 25 battalion BSF at Delhi.

Dasti under the signature of the Court Master.”

Thereafter on 22nd August, 2017, the following order was passed:-

“After some hearing, learned counsel, on instructions

from the petitioner states that he would be satisfied and grateful if the respondents grant four months extension of time to the petitioner as his wife is undergoing regular medical treatment in Delhi, which may be affected in case the petitioner moves to Kerala. Counsel for the respondents would obtain instructions.

Re-list on 30th August, 2017.”

Vide order dated 29th August, 2017, the competent authority has deferred posting to the petitioner for a period of four month upto 31st December, 2017 on the medical grounds as his wife is under treatment at Delhi.

After receiving the aforesaid order, the petitioner now wants to go back on the statement recorded in the order dated 22nd August, 2017 and submits that one year's extension may be granted. We are not inclined to accept the said submission. The petitioner has been in Delhi since 2013 and is working as Head Constable in BSF. He must abide by the Rules of the said Force.

The respondents being conscious of the ailment of the petitioner's wife have been considerate and we hope and trust that the said factor and aspect would be examined if and when any posting orders are passed.

With the aforesaid observations, the writ petition is disposed of.

SANJIV KHANNA, J

NAVIN CHAWLA, J

AUGUST 30, 2017

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