

\$~48

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

+ W.P.(C) 8473/2017

SUBEDAR MUKESH KUMAR Petitioner
Through Ms.Archana Ramesh, Adv.

versus

UNION OF INDIA AND ORS Respondents
Through Mr.Ankur Chhibber, Ms.Shruti
Munjal and Mr.Bhanu Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

27.09.2017

The petitioner, Subedar Mukesh Kumar is a cancer patient who was operated on 28.11.2014 and thereafter had undergone radiation.

Presently he is posted in 43 Field Company which is a part of 60 Engineer Regiment located at Meerut. Entire battalion is to be shifted in high altitude area in the North East.

As the petitioner is in low medical category, his case was examined on the BSG Record, Roorkee, which is his posting office. In view of the medical condition and treatment, the petitioner has been posted to 72 Engineer Regiment which is presently posted at Chandi Mandir near Chandigarh.

The petitioner claims that he should be posted at Delhi as Chandigarh may not have the required medical facility. It is stated that petitioner requires medical treatment at the Army Hospital (Research and Referral),

Delhi Cantt.

On the last date of hearing, we had asked the respondents to obtain instruction to ascertain the correct position. Dr.Rekha Vashisht, Radio Oncologist from Army Hospital (Research and Referral), Delhi Cantt. is present and states that petitioner requires follow up examination every six months. It is also stated that BSG Record, Roorkee had sought clarification from the Command Hospital. Oncologist is available in the Command Hospital in Chandi Mandir.

In view of the aforesaid position, we do not see any reason to interfere with the transfer order. However, we hope and trust that if petitioner requires treatment at Delhi, necessary arrangement would be made and if required question of transfer to Delhi would be examined.

Learned counsel for the petitioner has drawn our attention to the information furnished to him under RTI by letter dated 03.08.2017. We notice that the respondents have thereafter verified and ascertained that facility of Oncologist is available at Command Hospital, Chandi Mandir.

Recording the above, the writ petition is disposed of.

SANJIV KHANNA, J

NAVIN CHAWLA, J

SEPTEMBER 27, 2017/vp