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

+ W.P.(C) 1956/2018 & CM No.8083/2018

VIRENDRA SINGH

..... Petitioner

Through: Mr.Tushar Sannu, Advocate

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr.Chiranjeev Kumar & Mr.Mukesh
Sachdeva, Advocates for R-1 & R-2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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13.03.2018

1. The petitioner, who is recruited as a Constable in the respondent No.2/BSF, has filed the present petition praying *inter alia* for constituting an independent medical Board comprising of doctors from AIIMS, New Delhi or from the Army (R&R) Hospital, New Delhi or any other hospital, to diagnose his present medical condition and to provide him all the medical facilities, till he completely recovers.

2. The grievance of the petitioner is that he is suffering from lower back pain with radiation to the left leg and tenderness in his lower limb region/cervical region and was advised strict bed rest by the specialist doctor at the Safdarjung Hospital, New Delhi in terms of the prescription dated 23.01.2018. However, the petitioner was examined on the same day at the BSF Hospital, R.K.Puram where the CMO has opined that his health parameters were satisfactory and had issued him a discharge summary slip dated 23.01.2018, contrary to the advice given by the doctor at the

Safdarjung Hospital. On the basis of the discharge summary slip dated 23.01.2018, a Movement Order was issued to the petitioner on the same date directing him to report at the 72nd Btn., BSF, Barmer, Rajasthan. The petitioner did not report to the place of his posting. Instead, he presented himself at the Safdarjung Hospital on 30.01.2018 and was again advised bed rest for two weeks. The period of two weeks reckoned from 30.01.2018, would have expired on 13.02.2018. Learned counsel for the petitioner states that even on 13.02.2018, the attending doctors at Safdarjung Hospital had advised as follows:-

“Can perform light duty, avoid heavy work, bike driving or long journey travel”

3. Learned counsel for the respondents states that the petitioner was issued a registered AD letter on 17.02.2018 at his home address calling upon him to report to the unit immediately but he failed to do so. Instead of reporting for duty, the petitioner got admitted at the BSF Hospital, R.K.Puram from where he was discharged on 02.02.2018 with direction to report at the 72nd Btn., BSF, Barmer, Rajasthan which he failed to do. Instead, the petitioner faxed an application dated 29.01.2018, applying for leave for 34 days without any remarks of the Medical Officer and without any specifications of the day/date on/from which he wished to proceed on leave. Though the petitioner was called upon to send an application through proper channel with the remarks from the BSF hospital at R.K.Puram, it is stated that he has not done so till date.

4. Learned counsel for the respondents submits on instructions that the petitioner may be permitted to report at the Civil Hospital, Ahmedabad for the reason that the hospital at Barmer does not have the specialists in the

field and cases like his are referred to the Civil Hospital, Ahmedabad where he can get better treatment.

5. A copy of the comments received from the department are handed over by the learned counsel for the respondents and taken on record.

6. At this stage, learned counsel for the petitioner hands over a copy of the OPD prescription dated 06.03.2018 issued by the Department of Neurosurgery, Safdarjung Hospital, New Delhi wherein the doctor has advised the petitioner rest for two weeks. The period of two weeks reckoned from 06.03.2018, shall expire on 20.03.2018.

7. In view of the aforesaid position, the petitioner is directed to report at the Office of the IG Headquarter, Gandhinagar, on or before 23.03.2018 so that he can be escorted to the Civil Hospital, Ahmedabad for proper treatment. Only after getting a clearance from the specialist at the above hospital, shall the petitioner be called upon to join his place of posting at Barmer.

8. The petition is disposed of.

HIMA KOHLI, J.

PRATIBHA RANI, J.

MARCH 13, 2018

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