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

+ W.P.(C) 7505/2018 & C.M. Nos.28680/2018 (for interim stay),
28681/2018 (for exemption)

JWO DEEN DAYAL

..... Petitioner

Through: Dr.Virender Singh Kadian, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms.Anjana Gosain with Ms.Rabiya
Thakur, Ms.Shalini Nair, Advs. & Wg.
Commander A.K.Chauhan

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **23.07.2018**

1. This petition has been filed by the petitioner for quashing/setting aside Signal dated 05.04.2018, whereunder he was posted to Shillong. The petitioner was required to report to the new place of posting by 16.07.2018. However, he has elected to file the present petition for quashing of the impugned Signal only on 19.07.2018 after exhausting the entire period of three months.

2. Learned counsel for the petitioner submits that the petitioner was posted at 3 Wing, Air Force Station, Palam w.e.f. 16.07.2016 and he has applied to the respondents for cancelling the posting order

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on the ground of his wife's medical condition. He draws our attention to the Medical Certificate issued by the Army Hospital (R&R), Delhi Cantt., relating to the petitioner's wife, a perusal whereof reveals that she has been diagnosed with Type 2 Diabetes Mellitus and advised regular follow up.

3. We are of the opinion that an ailment like diabetes requires life long treatment and is not a life threatening condition that requires any specialised treatment which may not be available at Shillong. Therefore, the ground taken by learned counsel for the petitioner to assail the transfer order of the petitioner, does not impress us. Merely because the petitioner's request for cancellation of his transfer order has been recommended by his senior officer, can also not be a ground for us to interfere in the impugned Signal.

4. At this stage, learned counsel for the petitioner states that his client has submitted a representation dated 01.05.2018 to the competent authority for cancellation of his posting order, which has not been replied to so far. He submits that the petitioner has requested for deferment of his posting by one month which has been granted by the respondents and his posting stands deferred till 16.08.2018.

5. Learned counsel for the respondents, who appears on advance notice, states on instructions that the petitioner's representation dated 01.05.2018 was rejected on 13.07.2018 and the said order has been

forwarded to him through proper channel.

6. For the reasons recorded above, we decline to entertain the present petition, which is accordingly dismissed alongwith the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

JULY 23, 2018
gm