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

+ W.P.(C) 6150/2017 & C.M. No. 25597/2017 (stay)

RINKU KUMAR Petitioner
Through: Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through: Ms. Sangeeta Rai, CGSC with
Mr. Pradeep Singh Tomar, Advocate.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **13.07.2018**

1. The limited grievance raised by the petitioner in the present petition is against his posting order dated 27.6.2017 whereunder, the respondents/Indian Air Force had moved him from CWE (AF) Palam to 4th Engineering Regt. Kanchapara, which is at quite a distance from the Command Hospital at Kolkata.

2. On the first date of hearing, while issuing notice on the present petition, returnable on 14.8.2017, operation of the petitioner's posting orders was stayed and he was directed to continue reporting at his present place of posting. However, it was clarified that the stay order does not prevent the respondents from posting the petitioner at an appropriate location, where medical facilities are available, keeping in mind the fact that he is suffering

from blood cancer and is undergoing regular treatment at the Army Hospital R&R, Delhi Cantt, Delhi.

3. Pleadings are complete.

4. Learned counsel for the respondents refers to the rejoinder filed by petitioner and submits that even as per the petitioner, he is required to visit Army Hospital (R&R), Delhi Cantt., Delhi on a quarterly basis for a review and monitoring by undergoing a test. Learned counsel states that the aforesaid test can also be undertaken by the petitioner at the Command Hospital, Kolkata.

5. Learned counsel for the petitioner states that the 4th Engr. Regiment is located at Kancharapara, which is about 70 kms. from the Command Hospital, Kolkata and it will cause great inconvenience to the petitioner. She also refers to the letter dated 21.7.2014 issued by the Army Hospital, whereunder it had been recommended that the petitioner be posted to a Station where a Haematology Centre is available i.e., at Delhi/Mumbai/Kolkata/Pune/Bangalore.

6. Learned counsel for the respondents fairly states on instructions that the respondents shall issue a fresh posting order in respect of the petitioner to a place, which is situated as close to the Command Hospital, Kolkata, as is possible.

7. In view of the aforesaid submission, the impugned movement order dated 27.6.2017, issued by the respondents is quashed and set aside. The respondents are directed to issue a fresh posting order in the light of the submission made hereinabove, within two weeks. Till a fresh posting order

is issued to the petitioner, he shall continue working at the present place of posting.

8. The petition is disposed of along with the pending application.

HIMA KOHLI, J

REKHA PALLI, J

JULY 13, 2018

ap/rkb