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

+ **W.P.(C) 1331/2019**

DR. RAMAN KOTNALA

..... Petitioner

Through: Colonel Anand Singh Chauhan and
Mr.Amitava Chauhan, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr.Dev P. Bharadwaj, CGSC with
Mr.Rahul Arya, Advocate and Lt.
Colonel Sandip Singh.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

12.09.2019

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1. The Petitioner has approached this Court questioning the posting order dated 28th December, 2018 issued by the Directorate General of Medical Services (Army), Adjutant General's Branch, New Delhi, MOD whereby he was required to move from Delhi to the 2075 Field Hospital in Bhuj in Gujarat.

2. The ground on which the Petitioner has been resisting the posting order is that he is at present in a Low Medical Category of P3 (T-24), and therefore, the impugned posting order would endanger his health and safety. The case of the Petitioner is that he is suffering from a serious heart ailment for which specialised treatment is not available in Bhuj.

3. The Court was informed on the first date of hearing in the present petition on 8th February, 2019 that the Petitioner was reviewed by a Medical Board in December, 2018 and it was on the basis of the recommendations of such

Medical Board that he was posted to Bhuj. In response to a query whether a specialised cardiologist is available in the hospitals at Bhuj in Gujarat, Mr. Bharadwaj, learned standing counsel sought time for instructions.

4. On 12th March, 2019 the Court noted that the Petitioner had joined the place of posting in terms of the impugned order, and therefore, dismissed the application for interim relief.

5. In the reply filed to the writ petition, it is categorically stated that the posting order was issued after completion of the Medical Board proceedings held on 14th December, 2018 and that the posting was issued on the recommendation made by such Board. As regards the medical facility available in Bhuj, it is stated that a visiting cardiologist from Sterling Hospital, Gandhidham is available once a week for three hours at the OPD at the Civil Hospital in Bhuj. In addition, GAIMS, Bhuj has facility for TMT and Echocardiography. It is stated that a Cath lab is also available in the Civil Hospital (private hospital) at Gandhidham that is 60 km away from Bhuj.

6. Today when the matter was taken up for hearing. Mr. Bharadwaj, learned counsel for Respondents, produced before the Court the proceedings of the Medical Board dated 1st July, 2019. It appears that the medical category of the Petitioner has been re-classified as P2 (T-24) which is an upgradation from its earlier Low Medical Category (LMC) of P3 (T-24). The Medical Board has stated that he is fit for all activities except those involving prolonged extreme exertion.

7. The place where the Petitioner has been posted in Bhuj is a flat terrain. Mr. Bharadawj on instructions states that the Petitioner is not being given

tasks that require extreme exertion.

8. Col. Anand Singh Chauhan, learned counsel for the Petitioner, on the other hand, placed reliance on the policy guidelines issued on 16th January, 2004. He referred to Para 20 which concerns posting of LMC Officers which reads as under:

“20. Low Medical Category officers as per their sector profile may be posted to Field areas when due, keeping in view the restrictions imposed by the medical authorities on their employability. The aspect of availability of appropriate medical facilities will be ensured when low medical category officers with employability restrictions, are posted on Field areas.”

9. The Court is satisfied that in issuing the impugned posting order, the Respondents have taken note of the above requirement in the policy guidelines. It is nevertheless further directed that in the event that the Petitioner makes any specific request for consultation with cardiologist, prompt arrangement should be made, without any delay for such consultation at the nearest available medical facility.

10. Consequently, the Court is not inclined to interfere with the impugned posting order.

11. The petition is dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 12, 2019

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