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

+ **W.P.(C) 6529/2019**

DHARAM SINGH

..... Petitioner

Through: Mr. Kunwar Arish Ali, Mr. S.M.
Prasad & Mr. Zubair Ali, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Tanveer Ahmed Ansari,
Advocate along with Mr. Deepak
Kumar (SI, CRPF) and Mr. Pradeep
Kumar (CT/GD, CRPF).

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

31.05.2019

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CM APPL. 27606/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 6529/2019 & CM APPL. 27605/2019

The petitioner has preferred the present writ petition to assail the order dated 21.05.2019 passed by the respondents whereby after consideration of the petitioner's medical condition and in terms of the order passed by this Court in WP(C) No. 6648/2017 dated 03.04.2019, the respondents have maintained the transfer of the petitioner to Avadi near Chennai. The petitioner had preferred the earlier writ petition on the

premise that he had undergone Angioplasty and was suffering from heart ailment. He had assailed his transfer to Avadi which is close to Chennai on the ground that his transfer to Avadi was not medically advisable. That writ petition was disposed of on 03.04.2019 and since the transfer order had been passed on 08.02.2017, and over two years have passed, this Court directed that the respondents should again consider the case of the petitioner for any fresh posting / transfer in accordance with the rules and after taking into account his present medical condition.

The submission of the petitioner is that his fresh medical condition has not been considered by the respondents and he has about a year's service left. Therefore, he opposes the transfer in terms of order dated 21.05.2019. Despite our repeated query, the petitioner is not able to point out any medical record of recent past which would suggest that the petitioner cannot safely travel to and remain in Avadi near Chennai where best of medical facilities are available.

The petitioner has remained at Aligarh since 2013 on medical ground and on account of pendency of the earlier writ petition. Pertinently, the petitioner comes, inter alia, to Delhi for treatment and thus, there would be no difficulty in his proceeding to Chennai for his medical examination which is just 20 kilometres from Avadi.

We do not find any merit in this petition. Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MAY 31, 2019/kd