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

+ **W.P.(C) 12524/2019 and CM APPL. 51105/2019 (stay)**

LT COL DIGAMBER SINGH Petitioner

Through: Mr.S.S. Pandey, Advocate.

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr.HV Shaukar, CGSC with
Mr.Himanshu Pathak, Advocate and
Col. Sachinanda Prabhu.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **27.11.2019**

1. There are two reliefs sought in the present petition. One is regarding the proposed posting of the Petitioner, which the Petitioner is apprehensive about on account of the treatment that his mother needs. On behalf of the Respondents, Col. Sachinanda Prabhu and Col. MS (Legal) have appeared and assured the Court that the case of the proposed posting of the Petitioner has been considered at the highest level of the Chief of Army Staff and that it has been decided to post the Petitioner to Allahabad, which is a metro station and which has the medical facilities commensurate with the needs of the Petitioner's mother.

2. The second ground is regarding the wife of the Petitioner seeking to conceive a second child through IVF for which, according to the Petitioner,

treatment is available only in Delhi and Mumbai. It is clarified on behalf of the Respondents that the policy to accommodate such a request is that the couple in question must not have a living child at the relevant time, whereas in the case at hand, the Petitioner has a two-year old son.

3. As regards the second prayer of the Petitioner's request of premature retirement, admittedly, the application is still being considered by the Respondents. In any event, the relief in that regard can well be sought before the Armed Forces Tribunal ('AFT').

4. Accordingly, the petition is disposed of. The pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 27, 2019

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