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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10813/2020
NAND KISHOR SINGH Petitioner
Through: Mr. Nikhil Bhardwaj, Adv.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Nirvikar Verma, Adv.
Mr. P. Saxena, AC, CISF.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **21.12.2020**

[VIA VIDEO CONFERENCE]

CM APPL. 33929/2020, CM APPL. 33930/2020 (both for exemption).

1. Allowed, subject to just exceptions and as per extant rules.
2. The applications are disposed of.

W.P.(C) 10813/2020.

3. The petitioner, a Constable (Driver) with the respondents Central Industrial Security Force (CISF), has filed this petition, pleading (i) that his wife is suffering from Hepatitis 'B', hypertension and diabetes; (ii) that on request of the petitioner, the respondents CISF, in the year 2012 posted the petitioner to Kerala, to enable the petitioner to get Ayurvedic treatment for his wife; (iii) again, on request of the petitioner, the petitioner was permitted to remain posted at Kerala till 2017; (iv) in the year 2017, when the respondents CISF posted the petitioner to Tamil Nadu, the petitioner approached the High Court of Kerala, which though dismissed the petition but ordered that the wife of the petitioner be permitted to stay in the official

accommodation allotted to the petitioner, for a period of one year; (v) the respondents CISF deferred the order of posting of the petitioner to Tamil Nadu by one year and ultimately transferred the petitioner to Tamil Nadu on 1st May, 2018; (vi) on request of the petitioner, the wife of the petitioner was permitted to reside in the official accommodation for three months; and, (vii) however the wife of the petitioner continued to reside in the official accommodation and penal rent of Rs.4,200/- per month was deducted from the emoluments of the petitioner, till the petitioner vacated the said accommodation on 12th October, 2020.

4. This petition has been filed, (i) impugning the deduction of penal rent from the emoluments of the petitioner; (ii) seeking refund of the amounts so deducted; (iii) impugning the orders dated 20th July, 2020 and 17th July, 2020 rejecting the petitioner's representations qua his request for transfer; and, (iv) seeking transfer of the petitioner to a place which has a super speciality hospital, to enable the petitioner to have his wife treated. Issuance of HA medical category (severe disability) for the petitioner's wife under column is also sought. It is stated that the nearest super speciality hospital is at Chennai, at a distance of 200 k.m. from Nevyeli in Tamil Nadu where the petitioner is presently posted.

5. As far as the claim of the petitioner in this petition for refund of the penal rent already deducted and challenge to the deduction of the said penal rent is concerned, the same is found to be in abuse of the process of the Court. The petitioner, on the same ground earlier approached the Kerala High Court and obtained relief of being entitled to retain the accommodation for one year. The petitioner cannot now approach this Court to claim reliefs in addition to what the Kerala High Court had granted and/or the reliefs

which the Kerala High Court did not grant. As far as the claim of the petitioner for posting to a city having a super speciality hospital is concerned, the counsel for the respondents CISF appearing on advance notice has drawn attention to page 68 of the paper book filed by the petitioner, where, in response to the said request of the petitioner, it has been reported that the NLC Hospital, a Government Hospital at Nevyeli, Tamil Nadu, has a Ayurvedic Treatment Centre at NLCIL Hospital and having two Ayurvedic doctors and the petitioner can consult the said doctors for his wife's treatment.

6. The counsel for the petitioner contends that two doctors are not enough and a super speciality hospital is required.

7. The petitioner, since 2012 has been asking for Ayurvedic treatment for his wife and now, to suit his own convenience, cannot make a claim for allopathic treatment for his wife.

8. No ground for interference is made out.

Dismissed.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

DECEMBER 21, 2020

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