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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 410/2020 & C.M. APPL. 1114/2020

ANIL KUMAR

..... Petitioner

Through: Mr. Ankur Chhibber and Mr. Nikunj
Arora, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vinny Shangloo, Government
Pleader with Mr. Rishabh Relan,
Advocate for Union of India.
Mr. J. D. N. Shahi, Sr. Government
Counsel

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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17.01.2020

1. On the previous order dated 13th January, 2020 the Court had passed the following order:

“2. Counsel for the Respondent seeks instructions on whether the order dated 2nd August, 2017, which is cited as the authority for the issuance of the impugned movement order requiring the Petitioner to move to the unit at Udhampur was communicated at all to the Petitioner. This is, particularly in view of the submission by Mr. Chhibber, learned counsel appearing for the Petitioner that the said order was never communicated to Petitioner.

3. List on 17th January, 2020.

4. Till the next date, no coercive steps will be taken against the Petitioner.

5. A copy of the order be given *dasti* under the signatures of Court Master.”

2. Today, learned counsel hands over a signal dated 15th January, 2020 from the Respondents stating, *inter alia*, that the aforementioned order dated 2nd August, 2017 was informed to the Petitioner “in roll call & marker” “accordingly and a copy of order also pasted on notice board of this office.”

3. The court finds its unacceptable that the above mentioned order, which was to trigger a movement order, was orally communicated to the Petitioner and a copy thereof was not even served personally upon the Petitioner. Further, there appears to be no explanation why for more than two years that order was not acted upon.

4. Accordingly, the orders dated 2nd August, 2017 and order dated 2nd January, 2020 are hereby quashed.

5. In view of the changed circumstances since 2nd August, 2017, and in light of the factors pointed out by the Petitioner regarding the medical needs of his son, the Respondents are directed to review the matter and pass a fresh order which would be served upon the Petitioner not later than four weeks from today and the movement order, if any, consequent thereto will give him at least 10 days’ time to enable him to seek appropriate relief if required.

6. The petition is disposed of in the above terms. Pending application is also disposed of.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 17, 2020

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