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

+ **W.P.(C) 11339/2021 & CM APPLs. 34911-912/2021**

SGT BARUN KUMAR VERMA 788258T

..... Petitioner

Through: Ms. Ria Gandhi, Advocate for
Mr. Ajit Kakkar, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Abhay Prakash Sahay, Advocate
with Ms. Mannu Singh, Mr. Kunal
Dhawan and Ms. Swayamprabha,
Advocates.

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Date of Decision: 05th October, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

1. The petition has been heard by way of video conferencing
2. Present writ petition has been filed challenging the posting order dated 20th July, 2021. Petitioner also seeks directions to the Respondents to grant posting on compassionate/ medical grounds at any place having both civil and service hospitals with proper medical infrastructure.
3. Learned Counsel for the petitioner states that the petitioner was enrolled in the Indian Air Force as an Airman and has served diligently at several postings for more than fifteen years. She states that the petitioner has been wrongfully deprived of posting on compassionate/ medical grounds by the respondents without assigning any valid reason for the same.

4. Learned Counsel for the petitioner states that the petitioner's mother is suffering from Carpal Tunnel Syndrome, Cervical Spondylitis and Rheumatoid Arthritis and has been undergoing treatment for the same since the year 2018. She states that the mother is also due for surgery since the past two years but couldn't undergo the same as no other family member is available to look after her and the petitioner cannot take leave frequently. She further states that the petitioner's wife was also diagnosed with Epilepsy and Seizure disorder in February, 2020 and Cervical Spondylosis in July, 2020.

5. Learned counsel for the petitioner states that both the mother and wife of the petitioner need constant medical supervision and assistance. She states that due to the foregoing, the Senior Medical Officer had recommended that the petitioner be posted to a place where a medical specialist is available in a service hospital and the hospital is equipped with proper paraphernalia for the above mentioned medical issues.

6. She lastly states that the petitioner's representations dated 29th and 30th July, 2021 for posting on compassionate grounds other than at Awantipur having not been decided till date.

7. Issue notice. Mr. Abhay Prakash Sahay, learned counsel accepts notice on behalf of respondents. He states that the petitioner's aforesaid representation shall be decided on or before 12th October, 2021 i.e. prior to the date of joining by the petitioner at the new place of posting on 18th October, 2021.

8. This Court is of the view that the offer made by learned counsel for respondents is fair and reasonable. Accordingly, this Court directs the

respondent No. 2 to decide the petitioner's representations dated 29th and 30th July, 2021 on or before 12th October, 2021.

9. Learned counsel for the petitioner is directed to forward a copy of this Order along with representations dated 29th and 30th July, 2021 as well as the medical certificates dated 13th August and 18th August, 2021 to respondent No. 2 on or before 06th October, 2021.

10. With the aforesaid direction, the writ petition along with pending applications stands disposed of. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

NAVIN CHAWLA, J

OCTOBER 5, 2021

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