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

+ **W.P.(C) 12946/2021 & C.M.NO.40778/2021**

CPL SANDEEP KRISHNAN U K Petitioner

Through Ms.Ria Gandhi, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through Mr.Kavindra Gill, GP for UOI.

% Date of Decision: 17th November, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the impugned orders dated 26th February 2021 and 28th May 2021 whereby the Petitioner's request for posting on medical grounds was declined. Petitioner also seeks directions to the Respondents to grant posting to the Petitioner on Medical Grounds at his hometown i.e. Thiruvananthapuram.
3. In the alternative, Petitioner seeks posting on medical grounds to any other place in the southern region having a moderate climate and requisite paraphernalia at the Military Hospital.
4. Learned counsel for the Petitioner states that the Petitioner was enrolled in the Indian Air Force on 3rd April 2013 as an Airman. She states that the Petitioner, while serving with the Air Warrior Drill Team, was

severely injured on his left knee during one of the drill practice sessions and soon after he got injured on the right knee as well due to which the Petitioner was diagnosed with "Chondromalacia Patella" and was placed in medical category A4G4(p).

5. She states that subsequently the Petitioner's trade was changed by the Respondents to Adm. Asst. and he was posted to the Para Troopers Training School, Agra w.e.f. 15th January 2018. She points out that in the year 2019, the Petitioner began experiencing shortness of breath and due to heavy cold climatic conditions as well as due to dust and other pollutant particles, the Petitioner's breathing issues have aggravated.

6. She points out that the Petitioner was diagnosed with Bronchial Asthma w.e.f January 2020 and was advised to undergo treatment for the same. She states that since no pulmonologist is available at Military Hospital, Agra, the treatment given to the Petitioner by the medical specialist is merely symptomatic and has not led to any improvement in his health.

7. She also states that the Petitioner applied for a posting on medical grounds to a unit in the southern region with moderate climate conditions vide application dated 15th December 2020 but the same was rejected by the Air Force Records Office [AFRO] citing HRP limitations. She further points out that the Petitioner preferred another application dated 24th March 2021 but to no avail.

8. Having heard learned counsel for the Petitioner, this Court is of the view that posting of Airman falls within the exclusive purview of Air Force Records Office and Courts are normally reluctant to interfere with the same unless and until the same is contrary to law and/or the facts of the case are

‘so gross’ that they warrant interference by a Court in writ jurisdiction.

9. It is pertinent to mention that this Court has been entertaining the writ petitions for transfer only in extreme cases where the Airman or his immediate family members are suffering from life threatening disease(s) or are disabled.

10. In the present case, this Court finds that the Petitioner is suffering from Bronchial Asthma, which is very common in North India. The alleged disease is not of such a nature that would warrant a transfer in writ jurisdiction. Since in the present case, neither the petitioner nor his immediate family members are suffering from any life threatening disease, the present writ petition along with pending application is dismissed.

MANMOHAN, J

NAVIN CHAWLA, J

**NOVEMBER 17, 2021
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