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

+ W.P.(C) 14906/2021 & CM APPLs.47096-097/2021

MOHAMMED ISHAM Petitioner

Through: Mr.Nikhil Bhardwaj, Advocate.

versus

UNION OF INDIA AND ORS Respondents

Through: Mr.Shankar Kumar Jha, Advocate.

% Date of Decision: 23rd December, 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. Present writ petition has been filed challenging the (HA) medical category removal order dated 18th December, 2019 and the order dated 25th February, 2020, whereby the respondents rejected the Petitioner's representation. Petitioner further seeks direction to the Respondents to allow (HA) medical category of petitioner's wife who is suffering from Hepatitis B in PIS DATA. Petitioner further seeks amendment of the CISF guidelines for Posting/Transfer dated 8th December, 2011, 9th /10th November, 2015 and 25th September, 2017.

2. Learned counsel for the Petitioner states that till date, no policy has been framed by the Respondents for granting relaxation of out of home zone posting for its personnel, who have spouses with serious medical conditions.

3. He states that the Petitioner's wife was diagnosed with Hepatitis 'B' in February, 2010 and has been undergoing treatment at various hospitals in Delhi. He points out that vide order dated 8th May, 2012 the respondents themselves admitted and accepted that the petitioner's wife is suffering from Hepatitis B and falls under HA category i.e. severe disability.

4. He points out that the impugned Posting Policies dated 8th December, 2011, 09th/10th November 2015, and 25th September 2017 do not provide the relaxation of 'out of home zone posting' for personnel who have disabled spouses and provides the relaxation only to personnel with disabled wards. He contends that the impugned policies are therefore violative of Articles 14 and 16 of the Constitution of India.

5. Keeping in view the fact that the issues raised in the present writ petition are in the domain of policy making, this Court directs respondent No.2 to treat the petitioner's present writ petition as a representation and decide the same by way of a reasoned order in accordance with law within twelve weeks. If respondent No.2 is of the opinion that the guidelines dated 8th December, 2011, 09th/10th November 2015, and 25th September 2017 are required to be amended, the necessary amendments shall be carried out within the stipulated period. With the aforesaid directions, the present writ petition along with pending applications stands disposed of.

MANMOHAN, J

NAVIN CHAWLA, J

DECEMBER 23, 2021/TS