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

+ **W.P.(C) 1222/2022**

POOJA RAO

..... Petitioner

Through Ms.Dhriti Chhabra with Mr.Piyush
Sharma and Mr.Aditya N.Prasad,
Advocates.

versus

INDO-TIBETAN BORDER POLICE FORCE & ANR.

..... Respondents

Through Ms.Aakanksha Kaul, Advocate.

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Date of Decision: 20th January, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

JUDGMENT

MANMOHAN, J (ORAL)

1. The matter has been heard by way of video conferencing.
2. Present writ petition has been filed seeking a direction to the Respondent No.1 to take necessary decision on the Petitioner's representation dated 28th October 2021 qua payment of maintenance to the Petitioner and her daughter within two weeks.
3. Learned counsel for the Petitioner states that the Petitioner is the lawfully wedded wife of Sh. Manne Joshi Babu, currently serving in the ITBP as a Head Constable. She states that the Petitioner has a daughter who was born out of wedlock and since the last one and a half years, the



Petitioner and her two-year-old daughter have been completely abandoned by the Petitioner with no financial assistance whatsoever, and the Petitioner has been struggling to make ends meet with immense hardship.

4. She states that the Petitioner is currently residing at her parental home in New Delhi and her ageing parents are facing immense difficulty in providing financial assistance for the Petitioner and her daughter. She also emphasises that the Petitioner is single-handedly taking care of her two-year-old daughter and hence is not able to take up any employment.

5. She states that even though the Petitioner, vide representation dated 28th October 2021, apprised the DG, ITBP of his statutory powers under the ITBP Act, 1992 and ITBP Rules, 1994 and requested him for issuing an order for payment of maintenance monthly, deductible from the salary of the Petitioner's husband, yet no substantive action has been taken by the DG till date.

6. Issue notice. Ms. Aakanksha Kaul, Advocate accepts notice on behalf of the Respondents. She states that the decision in the present case has to be taken by the prescribed officer i.e. the Commandant, 53rd (Bn.).

7. Keeping in view the limited prayer sought in the present writ petition, the same is disposed of directing the Commandant, 53rd (Bn.) to decide the Petitioner's representation dated 28th October, 2021 by way of a reasoned order in accordance with law within four weeks.

MANMOHAN, J

NAVIN CHAWLA, J

JANUARY 20, 2022/KA