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

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Date of decision: 04.05.2022

+ W.P.(C) 5829/2022

SANJAY KUMAR

..... Petitioner

Through: Mr.Manjeet Singh Reen, Adv.

versus

UNION OF INDIA AND OTHERS

..... Respondents

Through: Ms.Nidhi Mohan Parashar with
Mr.Kanishk Kharbanda & Mr.Param
Agarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

CM APPL. 17503/2022 (exemption)

1. The application is allowed, with a direction to the applicant to file typed copies of dim/small size font/medical documents within four weeks.
2. The application is accordingly disposed of.

W.P.(C) 5829/2022 & CM APPL. 17502/02022

3. Vide the present petition, petitioner prays as under:

a. To quash the premature repatriated order dated 30.03.2022 in

respect of petitioner thereby repatriated the petitioner at their parent organization/unit will all consequential benefits;

b. To direct the respondents to allow the petitioner to the post of JRO under respondent no.2 for another 2 years on deputation basis in terms of their policy guidelines dated 24.11.2016 for deputation of Combatised CAPFs & AR personnel in other organization.

4. Notice issued.

5. On the last date of hearing, counsel for the petitioner submitted that since the two minor daughters of the petitioner are undergoing treatment at PGIMER (Post Graduate Institute of Medical Education & Research) and requested this Court to direct the respondents to cancel his transfer from Delhi to Shillong at least for six months so that petitioner can make further arrangements for the treatment of his minor children. Counsel for the respondents has strongly opposed his request, however, he submits that if this Court directs, the petitioner can be retained for six months in Delhi and the respondents shall not transfer him during the said period. However, after six months, wherever the vacancy available, petitioner will be posted accordingly.

6. Upon the abovesaid submission, learned counsel for the petitioner has no objection. Accordingly, on humanitarian ground, we hereby direct the respondents to retain the petitioner in Delhi for six months and thereafter he may be posted wherever required.

7. In view of above, petition and pending application stand disposed of.

8. Needless to state that order passed in the present petition is according to the facts and circumstances of the case, however, it will not be treated as a precedent in future.

9. Order dasti under the signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

(SUDHIR KUMAR JAIN)
JUDGE

MAY 04, 2022/ab