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

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Date of decision: AUGUST 2, 2022

+ W.P.(C) 10538/2022 & CM APPL. 30435/2022

RAJ KUMAR

..... Petitioner

Through: Mr. Vikas Kumar Singh, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Apoorv Kurup, CGSC with Mr. Ojaswa Pathak, Ms. Nidhi Mittal, Advocates with Mr. Gokul Sharma, (GP) for R-1.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. After being declared medically fit on 03.03.2022, petitioner got promotion vide order dated 19.04.2022 and has been transferred to BHQ, Ladakh.
2. Pursuant to order dated 13.07.2022, learned counsel on behalf of the respondents submitted that pursuant to the direction passed by this Court, the petitioner was medically examined and found fit on 03.03.2022 therefore, on promotion petitioner is going to Ladakh, the fresh medical examination was not required. However, as the petitioner himself submitted to the respondent that he was feeling unwell therefore, the petitioner was being examined afresh.
3. The learned counsel for the petitioner on instructions submitted that



petitioner is fit for all purposes and there is no point to examine him again and that he was already declared medically fit vide medical examination order dated 03.03.2022.

4. Accordingly, the respondents are directed to allow the petitioner to join at the transferee place based upon the medical examination conducted on 03.03.2022.

5. Needless to say, after joining BHQ Ladakh, respondents shall be free to examine the petitioner by a fresh medical board.

6. Petition along with the pending application is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

AUGUST 2, 2022/So