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

% ***Date of decision: November 15, 2022***

+ **W.P.(C) 15703/2022**

DR . PARAMJIT SINGH NAGI Petitioner
Through: **Mr. Ankur Chhibber and Mr. Nikunj Arora, Advocates**

Versus

UNION OF INDIA AND ORS Respondents
Through: **Mr. Anurag Ahluwalia, CGSC
Mr. Laxman Singh, CMO, BSF,
Mr. Param Veer Singh, AC(LAW)
BSF and Mr. J.K. Thakur, Inspector
(M) BSF**

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE**

J U D G M E N T (oral)

CM APPL. 48873/2022(for exemption)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

W.P.(C) 15703/2022 & CM APPL. 48872/2022(stay)

3. Vide the present writ petition, the petitioner seeks following relief(s):

“(i) Issue a writ of certiorari quashing the order dated 07.11.2022 and signal dated 11.11.2022 to the extent whereby the petitioner has been posted to Frontier Headquarter BSF Mizoram Chahchar, irrespective of the fact that the said posting is in violation of their own

*policy dated 07.12.2011 whereby the petitioner can only be posted to a Composite Hospital; and
(ii) Issue a writ of mandamus directing the respondents to issue a fresh posting order in consonance of their own policy dated 07.12.2011 and thereby posting the Petitioner to any Composite Hospital in the Country; and
(iii) Pass any such orders as the Hon'ble Court may deem fit in the light of above mentioned facts and circumstances of the case.”*

4. Learned CGSC for respondents appearing on advance notice submits that the policy dated 07.12.2011 relied upon by petitioner has since been substituted by the policy dated 23.07.2021 issued by Government of India, Ministry of Home Affairs, Police-II, Division/Pers.I Section vide MHA ID No.45025/06/2018-Pers.I and the same has not been challenged vide the present writ petition.

5. Learned CGSC further submits that pursuant to policy dated 23.07.2021, liberty has been given to the aggrieved officer which has also not been availed by the petitioner herein. Copy of the aforesaid policy dated 23.07.2021 is handed over to learned counsel for petitioner today in the Court.

6. At this stage, learned counsel for petitioner seeks permission to withdraw the present petition with liberty to take steps as per law pursuant to policy dated 23.07.2021 issued by Government of India, Ministry of Home Affairs, Police-II, Division/Pers.I Section vide MHA ID No.45025/06/2018-Pers.I.

7. Permission granted with liberty as prayed for.

8. Accordingly, the present writ petition and pending application stand

disposed of.

9. Copy of order be given *dasti* under signatures of Court Master.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

NOVEMBER 15, 2022/rk

