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

% *Date of decision: January 31, 2023*

+ W.P.(C) 610/2023 & CM APPL. 2396/2023

SANDEEP KUMAR

..... Petitioner

Through: Mr.Pukhrambam Ramesh Kumar,
Mr.Karun Sharma & Mr.Immanuel
Meitei, Advs.

versus

UNION OF INDIA & ORS.

.... Respondents

Through: Mr. Tanveer Ahmed Ansari, Sr. Panel
Counsel with Mr. Hilal Haider, GP
and Mr. Butul Khan, Advocates
Mr. Hemendra Singh, DC (Law), BSF
and Mr. M. Raja Khan, Comd. Law,
BSF

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petition, the petitioner is seeking quashing of movement order dated 27.12.2022 issued qua the petitioner directing the movement of the petitioner to 45 Bn BSF, Tura, FTR HQ, Ghty; directions to the respondents to post the petitioner at New Delhi or near his home town, where he can undergo treatment for his medical condition properly.
2. Learned Senior Panel Counsel for respondents, on instructions, submits that admittedly the petitioner is in P-3 category and accordingly, he is posted at 45 Bn BSF, Tura which is 5-6 hours journey from Guwahati where the main hospital is situated.
3. Learned Senior Panel Counsel for respondents further submits that for regular check-up of the petitioner, doctor is available at Tura and in case of

any emergency, the petitioner may be taken to Guwahati in a government vehicle. Moreover, for routine check-up and as and when required, the petitioner can go to Guwahati by government vehicle which comes to Tura from Guwahati almost every day.

4. Learned counsel for petitioner submits that as per P-3 category, petitioner is fit for sedentary duties not involving undue stress. He may have restricted employability as advised by medical authorities such as to avoid places with high humidity level 75% round the year, to have access to specialist services nearby, to avoid driving/handling of weapons near water, fire or heavy machinery, restricting physical access, work in desert/snow bound areas etc., restricting active participation in hostilities, counter insurgency operations etc. (excluding staff, logistics and allied support duties).

5. Learned Senior Panel Counsel for respondents, on instructions, has assured this Court that as per entitlement, petitioner shall be provided each and every facility and duties shall be assigned to him accordingly.

6. In view of above, we find no ground to allow the present petition and the same is, accordingly, dismissed.

7. Pending application also stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 31, 2023/rk