

\$~4

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of decision: 11.05.2023

+

W.P.(C) 5623/2023

CONST LAL BAHADUR JENA

..... Petitioner

Through: **Mr.Rakesh Dahiya & Mr.Aditya
Dahiya, Advs.**

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: **Ms.Sarika Singh, Adv. for UOI.
Sh.Hemendra Singh, Deputy
Commandant (Law) BSF.**

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE GAURANG KANTH**

J U D G M E N T (oral)

CM APPL.22026/2023

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

W.P.(C) 5623/2023 & CM APPL.22027/2023

3. Vide the present petition, petitioner prays as under:
 - a. *To quash the Movement Order dated 15.04.2023 issued by the commandant 25th Battalion, BSF, Delhi and to keep the petitioner posted at 25 Bn BSF New Delhi;*
 - b. *To direct the respondents to keep the petitioner posted at 25Bn BSF New Delhi;*
 - c. *To direct that in case the Respondents BSF is not able to post the petitioner in 25th Bn at Chhawala Camp, New Delhi, the petitioner may be posted at BSF Camp, Tigri, New Delhi or BSF Academy,*

Takenpur, Gwalior, M.P. or 167 Bn, Mathura, U.P. or gth Bn, Hisar, Haryana or 39th Bn, Jaipur, Rajasthan.

2. Learned counsel appearing on behalf of the respondents, on advance notice, has fairly conceded that while considering his medical condition and family problem, petitioner was considered to be posted in Delhi (NCR) and now he is transferred to Tripura.
3. Learned counsel for the respondents is not able to satisfy as to why the petitioner has been transferred to Tripura despite having medical problem.
4. Accordingly, we hereby dispose of the present petition by giving direction to the respondents to treat the present petition as a representation filed by the petitioner and decide the same within four weeks from today keeping in view his medical condition on humanitarian ground and communicate the decision thereof to the petitioner within three days thereafter with reasoned order.
5. Needless to say, if the petitioner feels aggrieved by the decision of the respondents on his representation, he may approach the appropriate forum.
6. Till then, joining period of the petitioner shall be extended by the respondents.
7. Pending application, if any, stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(GAURANG KANTH)
JUDGE

MAY 11, 2023/ab

W.P.(C) 5623/2023

Page 2 of 2