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

+ **W.P.(C) 7108/2024**

KULDEEP KUMAR JAT

..... Petitioner

Through: **Mr. Abhay Kr. Bhargava, Adv.**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr. Puneet Yadav, Sr. Panel Counsel
with Mr. Sourabh Gupta, Adv.
Ms. Tisha and Mr. Arun Dhiman,
Advts. for R1.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

17.05.2024

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1. This petition has been filed by the petitioner with the following prayers:

“It is, therefore, humbly prayed that this Hon'ble Court may please to allow this writ petition and may further be please to:

1. Issue a writ of mandamus or any other writ, order or direction, thereby directing the DG BSF to adjudicate the representation dated 14.05.2024 according to the BSF MEDICAL MANUAL.

ii. Issue a writ of mandamus or any other writ, order or direction, thereby directing the respondents that during pendency of adjudication of representation dated 14.05.2024, the subject show cause notice dated 13.04.2024 issued by the Commandant 134 BN BSF be kept in abeyance and the after adjudication of the representation dated 14.05.2024 to DG BS, the subject show cause notice dated 13.04.2024 issued by the Commandant 134 BN BSFG be kept in abeyance be kept for a period of 2 weeks to enable the petitioner to peruse his legal remedies.



iii. Pass any other order in the interest of Justice.”

2. In effect, the petitioner has been issued a show-cause notice dated April 13, 2024, wherein the respondents have expressed themselves that the petitioner is unfit for future service in BSF. We have been informed that the petitioner has submitted his reply to the show-cause notice.

3. The plea of Mr. Abhay Kumar Bhargava, learned counsel appearing for the petitioner is that the petitioner submitted a representation dated April 14, 2024 wherein he has sought his examination by the Review Medical Board. We have been told by the officer representing the respondents that the Review Medical Board is yet to submit its report.

4. The other plea of Mr. Bhargava is that the petitioner intends to take opinion from a hospital of his choice and submit the same for the consideration of the competent authority. This plea of Mr. Bhargava appears to be reasonable. Since the competent authority has not received report of the Review Medical Board, we grant one week to the petitioner to take medical opinion and submit the same within two days thereafter to the competent authority for its consideration, which shall pass an order by also considering the representation submitted by the petitioner, the opinion of the Review Medical Board apart from the opinion to be submitted by the petitioner.

5. The petition is disposed of in above terms. No costs.

V. KAMESWAR RAO, J

TARA VITASTA GANJU, J

MAY 17, 2024/jg