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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10435/2023 & CM APPL. 40476/2023

RAJENDRA PRASAD SINGH

..... Petitioner

Through: Mr. Akhilesh Kr. Pandey, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Hemant Kumar Yadav, SPC with
Mr. Mimansak Bhardwaj, Govt.
Pleader and Mr. Sunny Chhoankar,
Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

26.02.2024

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

“In view of the above submissions and in the interest of justice, it is most respectfully prayed that this Hon’ble Court may be graciously pleased to:

a) Issue a Writ in the nature of Certiorari setting aside the order dated 12.07.2023 vide which the request of the petitioner for extension of transfer has been returned.

b) Issue a writ in the nature of certiorari setting aside the communication no. R/3418 dated 07.06.2023 vide which the petitioner is transferred to 122 Bn BSF that falls in the State of Tripura.

c) Issue a Writ in the nature of Mandamus directing the Respondents to allow the petitioner to continue 95 Bn BSF and work here till the medical condition of the petitioner and his wife



improves, so that he may continue his services while taking care of his health as well as his wife's health.

d) Grant ad-interim stay in favour of the petitioner and against the respondent by staying the execution of communication no. R/3418 dated 07.06.2023 vide which the petitioner is transferred to 122 Bn BSF that falls in the State of Tripura.

e) Issue a writ of prohibition or any other appropriate writ / order / direction thereby prohibiting the respondents to take any coercive action against the Petitioner for not complying with the communication no. R/3418 dated 07.06.2023 vide which the petitioner is transferred to 122 Bn BSF that falls in the state of Tripura.

f) Pass any order / orders Pass any other order as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case and in the interest of justice.

2. In effect, the petitioner is challenging his transfer to 122 Bn. BSF, Tripura. The submission on his behalf is that as the petitioner is suffering from an heart issue, he needs to undergo a procedure.

3. It is also stated that, the wife of the petitioner has undergone a spinal surgery in March, 2023, sufficient time be granted to the petitioner to join his place of posting. Concedingly, the surgery recommended for the wife of the petitioner was in the year 2020. In any case, as the petitioner's wife has undergone the spinal surgery in the month of March, 2023, the petitioner cannot take such a plea in February, 2024, to avoid joining the place of posting.

4. The only submission made by the learned counsel for the petitioner is Tripura being a hilly area, the same is not suitable for the petitioner.

5. We are unable to accept the said submission made by the learned counsel for the petitioner.



6. We dispose of the writ petition granting three months' time i.e., on or before May 26, 2024 as an outer limit to the petitioner to report to his place of posting. His transfer order shall be kept in abeyance till that date.

7. It is made clear that no further extension shall be granted. Liberty shall be with the petitioner to undergo a procedure if required as per medical advice within the same time period.

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Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 26, 2024/jg