



2024:DHC:8723-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 11.11.2024*+ W.P.(C) 8748/2024
KANHAIYA RAM

.....Petitioner

Through: Mr.Mohd Faisal, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms.Theepa Murugesan, SPC.
AC Ranjit S. Thapa, SI
Prahlaad Devendra & SI Amit
Kumar, CISF**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)****CM APPL. 65731/2024**

1. This application has been filed by the petitioner praying that he be taken back on the strength of the CISF unit of IISCO(B) and be granted six months' further time to undergo an operation and recover from the same as advised by the doctors at the SAIL-ISP, Burnpur Hospital.

2. By the present petition, the petitioner, who was working as Head Constable (GD) in the CISF, had approached this Court assailing the Order dated 20.05.2024 by which he has been transferred from ISP, Burnpur, West Bengal to DAE Zone II, Mumbai. This Court, having considered the submissions made by the learned



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counsels for the parties, stayed the operation of the Order dated 20.05.2024 till 02.11.2024, directing the petitioner to report to his new place of posting on or before 03.11.2024. The petitioner was directed to file an affidavit of undertaking to join his new place of posting on or before the said date.

3. We are informed that in compliance with the said direction, the petitioner has filed his affidavit, though the same is not on record.

4. The petitioner has now filed this application seeking further time to join the new place of posting, alleging in the application that the Doctors have opined the petitioner to undertake an operation on his other leg as well and have given a date for the said operation as 5th -6th December, 2024. The petitioner contends that another three to four months would thereafter be required to heal the wounds and to undertake physiotherapy to stabilize the legs completely.

5. The petitioner further contends that in terms of the communication dated 15.10.2024 issued by the Director General, CISF, a proposal has also been circulated for granting relaxation to personnel over 50 years of age to be posted near their place of residence.

6. On the other hand, the learned counsel for the respondents, who appears on advance notice of this application, submits that pursuant to the Judgment of this Court dated 26.07.2024, relieving orders have been passed on 02.11.2024 calling upon the petitioner to join his new place of posting. She submits that no further relief be granted to the petitioner.

7. Having considered the submissions made by the learned



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counsels for the parties, we are of the opinion that the contents of the application should be considered as a representation of the petitioner by the competent authority of the respondents, and the competent authority shall decide upon the same within a period of two weeks from the communication of this order.

8. We, however, make it clear that this direction shall not mean a stay on the movement order that has been passed by the respondents. We also make it clear that we have not expressed any opinion on the merits of the claim made by the petitioner and the same shall be considered by the competent authority of the respondents independently and in accordance with law.

9. With the above observations and directions, the application is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 11, 2024/rv/DG

Click here to check corrigendum, if any