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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 15029/2022 & CM Appls. 46410/2022, 6266/2024

SUDHIR KUMAR

..... Petitioner

Through: Mr. Pukhrambam Ramesh Kumar,
Mr. Karun Sharma, Ms. Rajkumari
Divyasana and Ms. Anupama
Ngangom, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vijay Joshi and Mr. Mohit Joshi,
Advs. with Mr. Hemender Singh.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

07.03.2024

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

*“a) Quash the transfer/posting order dated 19.05.2022 issued by the DG, BSF, New Delhi, qua the petitioner; posting the Petitioner to 08 Battalion, Seemanagar, West Bengal;
b) Quash the letter dated 19.10.2022 issued by the Respondent rejecting the representation submitted by Petitioner;
c) Pass such further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the matter.”*

2. The issue is of the transfer of the petitioner to Seemanagar, West Bengal. We have been informed that the order was issued on May 19, 2022, and because of the injury suffered by the daughter of the petitioner, requiring treatment, the petitioner has not joined the place of posting. In fact,



the petitioner has been attached to the Frontier Headquarters and is residing in Delhi.

3. We have also been informed that the concerned 8th Bn. shall be move to Gandhinagar shortly. The learned counsel for the petitioner has drawn our attention to a medical opinion rendered by All India Institute of Medical Sciences ('AIIMS', for short), wherein AIIMS has stated as under:-

"This is state that Miss. Pratibha, D/O Mr. Sudhir Kumar, patient UHID NO. 500115303, DOB-01.01.2004, Suffering from Lower and Upper Jaw Fracture and multiple facial bones fracture (trauma) and requires oral rehabilitation for the same. She was treated by the Oral and Maxillofacial Surgery, Department and Prosthodontics department in AIIMS New Delhi her treatment is still under process in dermatosurgery, department and it will take minimum six months to complete the treatment."

4. Noting the opinion of the AIIMS and also the fact that the petitioner has been in Delhi since 2022, we deem it appropriate to dispose of the petition by directing the petitioner to report to the 8th Bn. on July 01, 2024.

5. In other words, the transfer order shall not be given effect to till June 30, 2024. It is made clear that no application for extending the time shall be entertained. If the petitioner does not report to the 8th Bn. on July 01, 2024, the respondents shall be at liberty to take such action against the petitioner as deem appropriate under the Rules.

6. Petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 7, 2024/ds