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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10045/2024, CM APPL. 41059/2024 (Stay)**

HANS RAJ KAJLA

.....Petitioner

Through: Mr. Satyaarth Sinha with Ms.
Niharika Punni, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Farman Ali, SPC with Ms. Usha
Jamnal and Mr. Hemendra Singh,
Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

23.07.2024

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1. The petitioner has approached this Court by way of the present writ petition filed under Article 226 of the Constitution of India assailing the transfer order bearing no. DTO:29 and the consequential movement order dated 15.07.2024 vide which he has been transferred from 25 Battalion BSF, New Delhi to 96 Battalion BSF at Tripura.

2. Learned counsel for the petitioner submits that petitioner's wife is suffering from Stage-5 chronic kidney disease and is already registered for Cadaveric Renal Transplant at AIIMS, New Delhi from where a telephonic call can be received any time to reach the hospital immediately for Kidney transplant. He, therefore, submits that in case the petitioner is directed to go to Tripura in terms of the impugned order, his wife, will lose the chance of



getting a Kidney transplant. He, therefore, prays that the impugned order be set aside and the respondents be directed to retain the petitioner for at least one more year in Delhi.

3. On the other hand, Mr. Farman Ali, who appears on behalf of respondents on advance notice, opposes the petitioner's request for his further retention in Delhi by contending that the petitioner has already remained in Delhi for five and a half years. He contends that even otherwise, the petitioner is not required to go to Tripura but is required to go to Bikaner, where his battalion is moving shortly. He submits that all medical facilities are available at Bikaner and the petitioner can travel as and when a call is received from AIIMS, Delhi from Bikaner, which is only about 8 to 9 hours away by road. He, therefore, prays that the writ petition be dismissed.

4. Having considered the submissions of the learned counsel for the parties and perused the record, including the opinion given by the specialist at AIIMS, Delhi on 02.07.2024, according to which the petitioner's wife has been advised to stay at Delhi as she can receive a telephonic call for kidney transplant at any time. We are therefore of the view that in these peculiar circumstances the petitioner should be retained in Delhi for a period of three months so that his wife is able to avail the opportunity to undergo a Kidney transplant, if offer to her. This would, however, be subject to petitioner filing an affidavit to join the 96 Battalion BSF on or before 02.11.2024.

5. The writ petition is accordingly disposed of by directing that subject to the petitioner filing an affidavit of undertaking before this Court within one week from today, the impugned transfer and movement order *qua* the petitioner will remain stayed till 01.11.2024. We, however, make it clear that in case, the petitioner's wife is not able to undergo a Kidney transplant



by 01.11.2024, the petitioner will still not be granted any further extension in Delhi.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 23, 2024/ss