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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 16980/2022

M. MURUGANANDAM

..... Petitioner

Through: Mr. Sagar Saxena, Mr. Parmeet
Singh, Mr. Sarthak Pandey and Mr.
Mukesh Kr. Mishra, Advocates

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Anshuman, SPC with Mr. Mrinal
Upadhyay, Dy. Comdt. ITBP and DY
JAG Kamlesh Rani

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

15.02.2024

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

A. By a writ of Mandamus, commanding the respondents to allow the petitioner to function as Assistant Commandant in pursuance to order dated 06-11-2012 forming Annexure-A Supra.

B. By a writ of Mandamus, commanding the respondents to accord all consequential service benefits in favour of the petitioner w.e.f. 06-11-2012.

C. By a wrjt of Mandamus, commanding the respondents to fix the seniority of the petitioner as Assistant Commandant w.e.f. 06-11-2012 so that he may not be considered as junior to his juniors.

D. Any other writ, order or direction which this Hon'ble Court deems just and proper in the circumstances of the case though petitioner has not prayed for in the instant



petition be also passed in his favour and against the respondents.

2. Mr. Saxena submits that the petitioner has been denied promotion to the post of Assistant Commandant because the petitioner is not in Shape-I category.
3. Mr. Saxena submits that the petitioner intends to challenge the conclusion of the Medical Authority holding the petitioner as of low medical category and as such submits that the petition be disposed of with liberty to the petitioner as above.
4. The petition is dismissed as withdrawn with liberty as above in accordance with law.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 15, 2024/rr..