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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11697/2024 & CM APPL. 48634/2024 –Stay.

VIJAY SINGH

.....Petitioner

Through: Mr.Raghunath Pathak with
Ms.Shweta Priya, Advs.

versus

UNION OF INDIA & OTHERS

.....Respondent

Through: Mr.Vinay Yadav, Adv with Mr.Yash
Tyagi, GP., Mr.Devender Singh, DY. JAG

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

23.08.2024

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1. The petitioner, who is serving as a Constable(GD) with the Indo-Tibetan Border Police Force(ITBP) has approached this Court assailing the order dated 23.07.2024, vide which he has been transferred from 23rd Battalion Dehradun to 4th Battalion Dirang, Arunachal Pradesh.
2. Learned counsel for the petitioner submits that not only is the petitioner required to take care of his four months old baby girl in Dehradun where his wife is posted, but even otherwise, he has been placed in a 'low medical category' with the Medical Board having specifically opined that he is 'not fit' for duties at altitudes above 9,000 feet. He, therefore, contends that the petitioner could not be posted to Dirang, which is at a height of more than 14,000 feet.
3. Learned counsel for the respondents, who appears on advance notice,



submits that the petitioner's representation dated 06.08.2024 against the impugned order is still under consideration before the Director General, ITBP and, therefore, contends that the present petition is premature at this stage.

4. Having considered the submissions of learned counsel for the parties, we find merit in the respondents' plea that till the petitioner's representation is decided, it will be premature for this Court to examine the petitioner's challenge to the impugned transfer order.
5. We, accordingly, dispose of the writ petition by directing the respondents to take a considered decision on the petitioner's pending representation dated 06.08.2024 within a period of four weeks with further directions that till the said representation is decided and for a period of one week thereafter, status quo qua the petitioner's posting will be maintained. It is expected that the Director General, ITBP will take into account the petitioner's medical condition as emerging from the opinion given by the Medical Board on 14.02.2024.
6. Needless to state, in case, the petitioner is aggrieved by any order passed by the respondents, it will be open for him to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 23, 2024

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