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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
CM APPL. 18753/2024  
IN  
+ W.P.(C) 16364/2023  
SUNIL KUMAR S

..... Petitioner

Through: Mr. Tapas Das, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Abha Malhotra, Sr. PC with  
Mr. Jitendra Kumar Tripathi, GP for  
UI

**CORAM:**  
**HON'BLE MR. JUSTICE V. KAMESWAR RAO**  
**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**  
**14.05.2024**

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**CM APPL. 18753/2024 (for early hearing)**

This is an application filed by the petitioner seeking early hearing of the writ petition.

For the reasons stated in the application and the learned counsel for the respondents has no objection, the application is allowed. With the consent of the counsel for the parties, the writ petition is taken up for hearing today. Application is disposed of.

**W.P.(C) 16364/2023**

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

*“In view of the aforesaid facts and circumstances and in the*



*interest of justice, it is therefore most humbly prayed that this Hon'ble Court may be pleased to:*

- a) Issue of a writ of mandamus directing the respondents to consider the representation of the petitioner dated 26.09.2023 on merit as per the policy laid down by the DOPT posting him to the places Bikaner, Rishikesh, Chandigarh, Pathankot and Jammu with reference to 4 (iv) of DOPT Office Memorandum No. 28034/23/2004-Estt. (A) dated 23.08.2004 read with office memorandum F. No. 28034/9/2009- Estt. (A) dated 30.09.2009;*
  - b) issue direction not to damage the career prospect of the individual for seeking legal justice for ensuring fundamental rights;*
  - c) issue certiorari quashing the letter dated 29 November 2023 in the matter of rejection of representation;*
- pass any other or further orders or directions in favour of the petitioner and against the respondents as this Hon'ble Court may deem fit and proper."*

2. The claim of the petitioner is primarily that the petitioner be posted at one of the places, being Bikaner, Rishikesh, Chandigarh, Pathankot and Jammu as according to him, his wife is the Government of India employee and working in Safdarjung Hospital, New Delhi. A reference is made to the DoP&T instructions dated August 23, 2004 and September 30, 2009.

3. Though, we have been informed that the request of the petitioner based on the DoP&T instructions has been considered by the respondents and rejected, since, the plea of posting at above places is being urged on compassionate ground, Ms. Abha Malhotra, learned Senior Panel Counsel appearing for the respondents on instructions submits that the respondents shall consider this petition as a representation on behalf of the petitioner for posting at one of the above places on compassionate ground.

4. Noting the submission made by Ms. Malhotra, the petition is disposed



of directing the respondents to treat this petition as a representation on behalf of the petitioner for considering the posting at the above places on compassionate grounds, which according to Mr. Das have been urged in the petition, and decide the same within a period of six weeks from today as an outer limit and convey the decision to the petitioner.

5. The writ petition is disposed of.
6. The date already fixed, i.e., October 24, 2024 stands cancelled.

**V. KAMESWAR RAO, J**

**RAVINDER DUDEJA, J**

**MAY 14, 2024/aky**