



2024:DHC:8660-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

***Date of decision: 07.11.2024***

+ W.P.(C) 15170/2024  
MUSTAQA AHMAD ANSARI .....Petitioner  
Through: Mr.Abhay Kumar Bhargava,  
Adv.

versus

UNION OF INDIA & ORS. ....Respondents  
Through: Mr.Shrey Sharawat, SPC with  
Mr.Rudra, GP & Ms.Ishita  
Misra, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MS. JUSTICE SHALINDER KAUR**

**NAVIN CHAWLA, J. (Oral)**

1. By the present petition, the petitioner prays for a direction to the respondents to transfer him to New Delhi from Jodhpur for further treatment at AIIMS, New Delhi.
2. Issue notice.
3. Notice is accepted by Mr.Shrey Sharawat, learned counsel on behalf of the respondents.
4. It is the case of the petitioner that pursuant to the Order dated 23.02.2022, passed by this Court in an earlier petition filed by the petitioner, being W.P.(C) 857/2022, the petitioner joined at STC, BSF, Jodhpur. AIIMS, Jodhpur, however, required all the medical



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documents and data of the petitioner's treatment at AIIMS, New Delhi to be forwarded to them. The respondents forwarded this request to AIIMS, New Delhi *vide* letter dated 28.04.2022, however, the said documents/data were not supplied by AIIMS, New Delhi to AIIMS, Jodhpur. The petitioner claims that because of this, he has to travel from Jodhpur to Delhi each time for his treatment at AIIMS, New Delhi. He, therefore, prays for being transferred back to Delhi in order to have proper treatment.

5. On the other hand, the learned counsel for the respondents submits that the petitioner can have proper treatment at AIIMS, Jodhpur and if, for any personal reasons, he is visiting Delhi for his treatment, he cannot claim a right to be transferred to Delhi. She further submits that there are other proceedings also pending against the petitioner for having unlawfully retained the quarter allotted to him at Delhi.

6. We have considered the submissions made by the learned counsels for the parties.

7. Without expressing any opinion on the merits of the submissions made by either of the parties, we are of the opinion that the respondents should consider the present petition as a representation of the petitioner and decide upon the same in accordance with law within a period of eight weeks from today, and communicate the decision to the petitioner. We again reiterate that we have not expressed any opinion on the merits of the claim made by either of the parties and all relevant factors shall be considered by the competent authority while deciding on the representation of the



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petitioner, including his medical record.

8. Needless to state, in case the representation of the petitioner is rejected by the respondents, it shall be open to the petitioner to challenge the same in accordance with law.

9. The petition is disposed of in the above terms.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**NOVEMBER 7, 2024/rv/SJ**

*Click here to check corrigendum, if any*