



2025:DHC:857-DB



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

Date of decision: 11.02.2025

+ W.P.(C) 1638/2025
ASHVANI KUMARPetitioner
Through: Mr.Shiv Ram Singh, Adv.
versus
UNION OF INDIA & ORS.Respondents
Through: Ms.Neha Rastogi, SPC with
Mr.Animesh Rastogi &
Mr.Vibhav Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 7969/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 1638/2025 & CM APPL. 7968/2025

2. This petition has been filed by the petitioner, who is aggrieved by the Impugned Departmental Transfer Order 31 (in short, 'DTO'), dated 31.01.2025, by which the petitioner has been transferred to the 28th BN BSF at Barmer, Rajasthan.

3. It is the case of the petitioner that the petitioner has been suffering from Renal Calculus disease, which has affected his Kidneys. As a result, in the Medical Board proceedings held on 19.07.2024, it was opined that he is fit only for sedentary duties with restricted employability. The learned counsel for the petitioner submits that keeping in view the medical condition of the petitioner, the respondents had earlier cancelled his posting order for the year



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2024 and retained the petitioner in Delhi.

4. Issue notice.

5. Notice is accepted by Ms.Neha Rastogi, the learned counsel on behalf of the respondents.

6. We have perused the Impugned DTO. It does not reflect whether the medical condition of the petitioner had been considered by the respondents before issuing the order.

7. Accordingly, we direct the respondents to re-consider the case of the petitioner by treating the contents of the present petition as a representation of the petitioner and decide the same within a period of four weeks from today, passing a speaking order thereon. In case the decision taken by the respondents is adverse to the interest of the petitioner, the same shall not be implemented for a period of two weeks of the communication thereof to the petitioner so as to allow the petitioner to avail of his appropriate legal remedies.

8. In the meantime, the Impugned DTO shall not be implemented with respect to the petitioner.

9. With the above directions, the present petition along with the pending application, is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 11, 2025/rv/DG

Click here to check corrigendum, if any