



2025:DHC:4141-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6275/2025 & CM APPL. 28654/2025 & CM APPL.
28655/2025

L/NK SANT RAM RAJPUT SER NO 13996681-Y

.....Petitioner

Through: Mr. Dinker S. Mishra and Mr.
Vishwajit Kumar Singh, Advocates

versus

UNION OF INDIA, THROUGH SECRETARY & ORS.

.....Respondents

Through: Mr. Farman Ali, SPC with Ms.
Usha Jamnal, Advocates for UOI
Major Anish Muralidhar, Army

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

% **19.05.2025**

1. The petitioner is a Lance Naik in the Defense Security Corps. By this writ petition, he assails Posting Order dated 23 April 2025, whereby he has been transferred to Kolkata.

2. The petitioner's case is that his wife is in an advance stage of Chronic Obstructive Pulmonary Disease and that, without supplemental oxygen therapy, her blood oxygen concentration would drop to dangerously low levels.



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3. He, therefore, submits that it would be impossible for him to transport his wife to Kolkata and the condition of health of his wife would be severely prejudiced in case the transfer order is effectuated.

4. In order to ascertain the exact status of the health of the petitioner's wife, we had directed her to be examined by the Army R & R Hospital.

5. We have, with us, a report of the Department of Respiratory Medicine, R & R Hospital, which we deem appropriate to reproduce in its entirety thus:

"0036/Resp/04./25

19 May 2025

IONDepartment of Respiratory Medicine

MED EXAM: SMT MEENU RAJPUT, W/O SEP SANT RAM RAJPUT OF DSC

1. Ref your office ION No 2502/Legal Cell/HC/Smt Meenu R/2025 dt 14 May 2025.

2. It is intimated that on direction of the Hon'ble High Court of Delhi at New Delhi dt 13 May 2025 in CWP 6275/2025 with CM Appls 28654/2025 and 28655/2025, Smt Meenu Rajput, W/o Sep Sant Ram Rajput of DSC reported to this hospital on 15 May 2025 and has been examined in this department. The requisite information is as under:

Sl. No.	Information requested	Comments
(a)	Comprehensive Medical Examination of the patient.	The above mentioned patient is a case of advanced interstitial lung disease (Fibrotic Hypersensitivity Pneumonitis) with respiratory failure.
(b)	Whether the petitioner's	Yes, she requires



	wife is in need of 24 hours (b) Whether supplemental oxygen therapy and accompanying attendant	continuous oxygen supplementation therapy along with an accompanying attendant.
(c)	Whether her transfer to Kolkata would be detrimental to her health and if so to what extent.	Kolkata is a place where Command Hospital (Eastern Command) is located. The patient can consult doctors there and seek their advice whenever required. If the patient is to be transferred to Kolkata by rail/road, she would need continuous oxygen support enroute.

This is for your info and further necessary action pl.”

6. We find that the Army, R & R Hospital has clearly stated that in case the petitioner is to be transferred to Kolkata, she would have to travel by rail or road, during which she would need continuous oxygen support.

7. *Prima facie*, it appears that shifting the petitioner to Kolkata might be life-threatening for his wife.

8. Mr. Farman Ali, learned SPC for the Union of India, at this juncture, submits that the respondents would be agreeable to treat the present writ petition as a representation and take a decision thereon within a period to be stipulated by this Court.



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9. Accordingly, we dispose of this writ petition with a direction to the respondents to treat the writ petition as a representation and take a decision on the petitioner's request, keeping in mind the averments in the writ petition as well as the afore-extracted report of the Army R & R Hospital. We expect the respondents to address the issue with the requisite degree of empathy.

10. We also clarify that the decision taken, if adverse to the petitioner, shall be communicated to the petitioner forthwith and shall remain in abeyance for a period of two weeks thereafter, in order to enable the petitioner to avail the legal remedy, if so advised.

11. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 19, 2025

dsn

[Click here to check corrigendum, if any](#)