



2025:DHC:6068-DB



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

+ **W.P.(C) 10487/2025 & CM APPLs. 43550/2025, 43551/2025**

CHAMAN LAL

.....Petitioner

Through: Mr. Nikhil Bhardwaj, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Balendu Shekhar CGSC,
Mr. Krishna Chaitanya GP, Mr. Divyansh
Singh Dev, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **22.07.2025**

C.HARI SHANKAR, J.

1. The petitioner, who serves in the Sashastra Seema Bal¹, was earlier transferred from Delhi to Balrampur, Uttar Pradesh. He assailed the said transfer before this Court by way of WP (C) 8884/2025².

2. It was pointed out, in the said petition, that the petitioner's wife had donated a kidney to him, as a result of which the petitioner and his

¹ "SSB" hereinafter

² Chaman Lal v UOI



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wife were both surviving with one kidney each and that his father was on dialysis and his daughter was studying in Class X.

3. The petitioner had represented against his transfer to Balrampur. However, the representation was rejected by an unreasoned order on 17 June 2025.

4. In these circumstances, this court, by its order dated 3 July 2025, disposed of WP (C) 8884/2025 with a direction to the respondents to treat the writ petition as a representation and to pass a reasoned and speaking order on the petitioner's challenge to his transfer to Balrampur.

5. The respondent has, pursuant to our directions, passed an order on 17 July 2025. The order, clearly, is a reasoned order.

6. The order notes that, keeping in view the difficulties expressed by the petitioner, his transfer had been modified and the petitioner was now being posted at Guwahati.

7. Mr. Balendu Shekhar, learned CGSC, who appears for the respondent submits that, in order to ensure that the medical treatment of the petitioner's family is not affected and his daughter does not suffer, the respondents have permitted the petitioner to retain his residential accommodation in Delhi.



8. We may reproduce, in this context, paras 11 and 12 of the order dated 17 July 2025, passed by the respondents, thus:

“11. And Whereas, in compliance of Hon’ble Court direction, a Board of Officers was constituted which includes Medical Officer to examine the case of CT(Driver) Chaman Lal. The Board of officers considered the Writ Petition as well as the medical documents and are of the opinion that CT(Driver) Chaman Lal should be posted to 1st Bn Sonapur (Guwahati) in view of good medical facilities, including AIIMS, GMCH, etc available there, where he can go for review at the Nephrology department. As per RME board he is fit for all duties except severe stress, and has placed restriction on employability at high altitude/hilly terrain. Furthermore, the judgment quoted by the petitioner is not applicable in his case as he has already been granted extension on humanitarian ground and has availed period equivalent to two tenures at Force Hqrs, New Delhi.

12. Therefore, as per Hon’ble Court Orders in the WP (C) No. 8884/2025, the representation of the official has been reconsidered by the board in light of his medical condition and child’s ongoing studies at Delhi and has posted him to 01 BNSSB Sonapur (Assam where higher medical facilities like the AIIMS, GMC&H are available, thereby also facilitating retention of his GPRA quarter in Delhi to meet the medical needs of his family and educational needs of his child.”

9. Mr. Bhardwaj, learned Counsel for the petitioner, has earnestly sought to pursue us to interfere in the matter, as he submits that the petitioner and his family are in very difficult circumstances. He points out that the petitioner’s father has to undergo dialysis thrice a week and that a central line has also been placed, which makes him susceptible to infection. He also seeks to rely on literature which would indicate that persons who are surviving with one kidney each have their own health concerns.

10. While we empathize with the petitioner, there are limits beyond



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which a writ court cannot travel. The respondents, we feel, have been fair in allowing the petitioner to retain his residential accommodation. That facility would itself cater to the petitioner's daughter's education, as she would be in a position to complete her education in Delhi.

11. Insofar as the other circumstances pointed out by Mr. Bhardwaj are concerned, we are of the opinion that, once the petitioner has been permitted to retain his accommodation at Delhi, we would be overstepping our jurisdiction if we issue a mandamus to the respondent not to transfer the petitioner to Guwahati.

12. We, therefore, regret that we are not in a position to interfere in the present writ petition.

13. However, this would not preclude the respondents from, if they so choose, reconsidering the petitioner's prayer. We make it clear, in that event, no observation contained in this order would stand in the way of a fresh consideration.

14. Subject to the aforesaid, the writ petition stands dismissed.

C.HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

JULY 22, 2025/ng