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

+ **W.P.(C) 15293/2025 & CM APPL. 62717/2025**

SUMIT KUMAR

.....Petitioner

Through: **Mr. SK Vashisth, Adv.**

versus

UNION OF INDIA & ORS

.....Respondents

Through: **Mr. Sahaj Garg, SPC, Mr. Rudra Paliwal, GP**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **03.02.2026**

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

"It is, therefore, most humbly prayed that this Hon'ble Court may most graciously be pleased:-

i) to issue the writ, order or direction in the nature of certiorari quashing the impugned order dated 18.05.2023 with consequential effect issued by the office of the respondent no.3 with his concurrence whereby the respondent no.3 directed the petitioner to proceed on posting to Kashmir valley;

ii) to issue the writ, order or direction in the nature of certiorari quashing the impugned order dated 05.06.2024 passed by the respondent no.6 whereby the respondent no 6 had declare the petitioner fit for duty under pressure from respondent no.2, 3 and 5 by ignoring medical protocol and rules;

iii) To issue writ(s), order(s), direction(s) more in the nature of writ of mandamus to direct the respondent no.5 & 6 to assess the medical category of the petitioner on the basis of medical examination report dated 30.04.2025 submitted by RML hospital.

iv) to issue writ(s), order(s), direction(s) more in the nature of writ



of mandamus to direct the respondent no.2 to decide the period of suspension of the petitioner as per rule with its consequential v) to issue writ(s), order(s), direction(s) more in the nature of writ of certiorari there by quashing the impugned order dated 05.12.24 passed by respondent no. 4 whereby the petitioner was spared for posting to Kashmir, order dated 03.09.2025 passed by the respondent no.3 whereby the representation of the petitioner was considered devoid of merit and notice dated 12/09/2025 passed by the respondent no. 7 whereby the petitioner was directed to report Kashmir valley within 3 days;...”

2. In effect, the petitioner is challenging his transfer to Srinagar.
3. The submission of learned counsel for the petitioner is that for medical reasons, the petitioner cannot be posted at Srinagar. As he has joined the place of posting, the same is required to be re-considered.
4. It is also his submission that the respondents, despite an order of this Court dated 28.11.2024, have not decided as to how the suspension period need to be treated, though, a final order in the departmental inquiry has been passed.
5. The question is whether the petitioner should continue to be posted at Srinagar or the respondents must consider his posting elsewhere because of medical reasons.
6. It has been agreed by the learned counsel for the parties that the representation given by the petitioner for change of posting be decided by the respondents within a period of four weeks by taking into consideration medical reports including the medical report submitted by the Ram Manohar Lohia Hospital dated 31.01.2026.
7. Suffice to state that the decision taken by the respondents shall be communicated to the petitioner and the parties shall act in accordance with



law.

8. Insofar as the plea for passing the order for treating the suspension period is concerned, the respondents shall pass an order on the same, if not already passed and communicate the decision to the petitioner.

9. The petition along with pending application(s), if any, is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 3, 2026

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