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

+ **W.P.(C) 5297/2025**

NARENDRA KUMAR YADAV

.....Petitioner

Through: Mr. Akhilesh Kumar Pandey,
Ms. Meenakshi and Mr. Ashish Kushwaha,
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Himanshu Pathak, SPC
with Mr. Amit Singh and Mr. Sarvesh P
Shrivastava, Advocates.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER

% **10.11.2025**

CM APPL. 69608/2025 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 69607/2025 (Order VI Rule 17)

3. By this application, the petitioner seeks to amend the writ petition to challenge the order dated 2 May 2025 which has been passed during the pendency of this writ petition, whereby the petitioner's representation against challenge of his transfer to Meghalaya has been rejected.



4. As this has happened during the pendency of the petition, we allow the amendment of the writ petition. The amended writ petition is taken on record.

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5. Issue notice on the amended writ petition to show cause as to why rule *nisi* be not issued to the respondents.

6. Notice is accepted on behalf of the respondents by Mr. Himanshu Pathak, SPC.

7. Counter affidavit, if any, may be filed within four weeks with advance copy to learned Counsel for the petitioner, who may file rejoinder thereto, if any, within four weeks thereof.

8. Re-notify on 2 March 2026.

CM APPL. 69609/2025 (interim stay)

9. The petitioner has also filed this application for stay of the operation of the order dated 2 May 2025.

10. Mr. Akhilesh Kumar Pandey, learned Counsel for the petitioner has drawn our attention to Annexure P-6 to the writ petition, whereby the Commandant/Medical, CMO (SG), 95 BN BSF, Bhondsi (Gurugram) has clearly opined that the petitioner's condition is life threatening and that he requires regular treatment from Medanta



Medicity Hospital, Gurugram. Reliance has also been placed on the report of the treating Oncologist to the effect that the petitioner needs regular follow up treatment.

11. Keeping in mind these facts, the Commandant has specifically stated that the case of the petitioner, being against his transfer, appears to be genuine. *He, therefore, has recommended the case of the petitioner.*

12. The order dated 2 May 2025 appears to be completely laconic in nature without any reference to any prior medical opinion in the case of the petitioner. To a query from the Court, as to whether any opinion was taken from the treating doctor of the petitioner or the Commandant who had given the aforesaid medical opinion, learned Counsel for the respondent has no instructions.

13. In that view of the matter, issue notice to show cause as to why rule *nisi* be not issued.

14. Notice is accepted on behalf of the respondents by Mr. Himanshu Pathak, SPC.

15. Counter affidavit, if any, may be filed within four weeks with advance copy to learned Counsel for the petitioner, who may file rejoinder thereto, if any, within four weeks thereof.

16. Till the next date of hearing, there shall be a stay of the order transferring the petitioner to Meghalaya and stay of the order dated 2



May 2025 whereby the petitioner's representation has been rejected.

17. Re-notify on 2 March 2026.

C.HARI SHANKAR, J

OM PRAKASH SHUKLA, J

NOVEMBER 10, 2025/pa