

GAHC010245552024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6165/2024

S. AUSTIN JOSEPH
S/O- LATE MR. PS SAMUEL, R/O- 13/137-B-5, ISSAC STREET,
ARALVAIMOZHI, P.O. KANYAKUMARI, DIST. TAMIL NADU, PIN- 629301.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF DEFENCE, NEW DELHI-
110003.

2:THE DIRECTOR GENERAL
BORDER ROADS
SEEMA SADAK BHAWAN
RING ROAD
DELHI CANTT.
NARAINA
NEW DELHI-110010.

3:THE ADDITIONAL DIRECTOR GENERAL
BORDER ROADS (EAST)
JALUKBARI
GUWAHATI
ASSAM
PIN- 781013.

4:OFFICER IN CHARGE RECORDS
GREF RECORDS
GENERAL RESERVE ENGINEERING FORCE
DIGHI CAMP
PUNE-411015.

5:OFFICE IN CHARGE

REGIONAL LEGAL CELL (EASTERN REAR)
CARE HQ CE (P)
PUSHPAK
PIN- 931711
C/O- 99 APO.

6:OFFICE IN CHARGE
REGIONAL LEGAL CELL (EASTERN SECTOR)
HQ ADGBR (EAST)
JALUKBARI
GUWAHATI
ASSAM
PIN- 781013

Advocate for the Petitioner : MR. R MAZUMDAR, MS T WAPANGLA

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 27-11-2024

Heard Mr. R. Mazumdar, learned counsel for the writ petitioner.

Perused the averments made in the writ petition.

The petitioner, who is presently posted in the Regional Legal Cell (East Rear) Care, HQ CE (P), Pushpak has been transferred to 79 RCC, HQ 31, BRTF, Sampark vide transfer order dated 03-06-2024 by ignoring his Low Medical Category (LMC) condition. Hence, this writ petition.

Mr. Mazumdar submits that the medical opinion of the Doctors serving under the respondents have themselves certified that the petitioner is a LMC individual and therefore, under the extant Rules his posting is required to be made in a location where proper medical facilities are available. Notwithstanding the same, the respondents have

rejected the request made by the petitioner for modification of his order of transfer. Hence, this writ petition.

Mr. Mazumdar submits that all that his client is requesting for in this case is a posting, at any place, where proper medical facility for the LMC persons are available. It is also the submission of Mr. Mazumdar, learned counsel for the writ petitioner that his client is yet to complete his normal tenure in the present place of posting and he has not been released from the present place of posting.

Mr. M.R. Adhikari, learned CGC prays for posting of this matter again on 09-12-2024 so as to enable him to obtain preliminary instructions.

In view of the above, let this writ petition be posted for motion again on 09-12-2024.

Two extra copies of the writ petition be furnished to Mr. Adhikari so as to enable him to obtain instruction.

If the petitioner is still continuing in his present place of posting he shall not be released from there, till the next date fixed.

List accordingly.

JUDGE

GS

Comparing Assistant