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Sunan.J., vs Union of India,

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SooperKanoon Citation : sooperkanoon.com/1857807

Court : Kerala

Decided On : Mar-29-2019

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/2769/2019

Appellant : Sunan.J.,

Respondent : Union of India,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN FRIDAY ,THE 29TH DAY OF MARCH 2019 / 8TH CHAITHRA, 1941 WP(C).No. 2769 of 2019 PETITIONER/S: SUNAN.J., AGED 49 YEARS SON OF JAGADEESAN, ASI (GD),HEAD QUARTERS ,162 BATTALION, BORDER SECURITY FORCE, KAINOOR CAMP, MULAYAM P.O., THRISSUR, NOW ON TEMPORARY DUTY AT SHQ, THIRUVANANTHAPURAM,WITH PERMANENT ADDRESS AT ANITHABHAVAN, KATTILKADAVU P.O., KARINAGAPALLI, KOLLAM DISTRICT BY ADVS. SRI.V.JOHN MANI SMT.REMYA POULOSE RESPONDENT/S:

1 UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, CENTRAL SECRETARIAT, NEW DELHI- 2 THE DIRECTOR GENERAL, BSF,CGO COMPLEX, LODHI ROAD, NEW DELHI-110003 3 THE COMMANDANT 162 BATTALION, BORDER SECURITY FORCE, KAINOOR CAMP, MULAYAM P.O., THRISSUR-680 751, 4 THE DEPUTY INSPECTOR GENERAL BORDER SECURITY FORCE,SHQ, THIRUVANANTHAPURAM 5 THE COMMANDANT HEAD QUARTERS, 40 BATTALION, BORDER SECURITY FORCE, BHONDSI, GURGAON, HARYANA 244413 6 DEPUTY INSPECTOR GENERAL SHQ,BARAMULLA, SRINAGAR, JAMMU AND KASHMIR 180003 7 INSPECTOR GENERAL, FTR HEAD QUARTERS,SRINAGAR, JAMMU AND KASHMIR 180002 BY ADV. SRI.DINESH R.SHENOY, CGC

OTHER PRESENT: SRI. P.VIJAYAKUMAR, SCGC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.03.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 2769 of 2019 2

JUDGMENT

The petitioner has approached this Court seeking directions to the respondents to approve Ext.P6 proposal for medical reimbursement and to disburse the amounts due to the petitioner in respect of the kidney transplant surgery undergone by his daughter.

2. It is submitted that the petitioner had

submitted his application, which had been duly forwarded by Ext.P6. However, Ext.P7 communication had been received from the head quarters of the BSF seeking clarifications in respect of the same. The petitioner submits that Ext.P8 representation has been submitted by the petitioner, answering all the queries raised in Ext.P7 and pointing out that all relevant documents had been produced by the petitioner. It is stated that the declaration certificate as well as the undertaking of the petitioner have been forwarded through proper channel with

Ext.P8. In the above view of the matter, there will be a direction to the 7th respondent to take up, consider and pass appropriate orders on Ext.P8 representation WP(C).No. 2769 of 2019 3 preferred by the petitioner, taking note of Ext.P6 proposal within a period of one month from the date of receipt of a copy of this judgment. The writ petition is ordered accordingly. Sd/- ANU SIVARAMAN sab JUDGE WP(C).No. 2769 of 2019 4 APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY TRAVANCORE MEDICAL COLLEGE HOSPITAL,KOLLAM EXHIBIT P2 A TRUE COPY OF THE COMMUNICATION DATED EXHIBIT P3 A TRUE COPY OF THE ORDER DATE 07/08/2017 ISSUED BY THE 5TH RESPONDENT EXHIBIT P4 A TRUE COPY OF THE REPRESENTATION DATED EXHIBIT P5 A TRUE COPY OF THE REPORT BY THE 5TH RESPONDENT DATED 24/09/2018 EXHIBIT P6 A TRUE COPY OF THE PROPOSAL FOR OBTAINING EX-POST FACTO RELAXATION SANCTION FOR TREATMENT TAKEN IN PRIVATE HOSPITAL DATED EXHIBIT P7 A TRUE COPY OF THE LETTER DATED 17/10/2018 EXHIBIT P8 A TRUE COPY OF THE REPLY DATED 10/12/2018 ISSUED TO THE 7TH RESPONDENT

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