



2025:DHC:5552-DB



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

+ W.P.(C) 3989/2025

SANJEEV KUMARPetitioner

Through: Petitioner in person

versus

UNION OF INDIA AND OTHERSRespondents

Through: Mr. Syed Abdul Haseeb, CGSC

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

11.07.2025

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Review Petition 371/2025

1. We have heard Mr. Sanjeev Kumar, the review petitioner, who appears in person and presses Review Pet. 371/2025, which seeks review of judgment dated 29 May 2025 passed by this Bench by which WP (C) 3989/2025 was dismissed.

2. The review petitioner submits that there are six errors in the impugned order.

3. We deal with them seriatim.

4. The first error to which the petitioner draws attention is in the expansion of the abbreviation "LMED" contained in para 1 of our



judgment. He submits “LMED” stands for “Leading Medical”. He is unable to show us any document in support of this submission. In any event, the issue hardly affects the final decision taken on the writ petition. We, however, note the petitioner’s submission

5. The second alleged error to which the review petitioner draws our attention is supposedly contained in para 3 of our judgment, which reads thus:

“3. The petitioner was posted to INHS Sanjivani, Kochi, *vide* transfer order dated 07.10.2022. On 26.12.2022, he submitted a representation seeking cancellation of the said transfer and posting to Delhi area on compassionate grounds. The representation referred to both his medical condition and his spouse’s place of posting.”

6. We are constrained to observe with some discomfort, the submission of the review petitioner that the recital in para 3 of our judgment that the petitioner had submitted a representation seeking cancellation of the transfer and posting to Delhi area on compassionate ground is incorrect and that the representation was only on medical grounds. However, on being queried by the Court, he submits that there was in fact no representation made by him in writing on 26 December 2022 and that the representation was only oral. He drew our attention to a communication dated 26 December 2022 addressed by Sergeant Commodore to the Flag Officer Commanding in Chief, which, according to him, submits that his request for transfer was on spouse co-location ground. This communication, we note, is only a letter of recommendation. As we have already noted that there is actually no written representation



dated 26 December 2022 by the petitioner to the respondents on record.

7. As we recollected that there was a document which refer to the petitioner's request as having been made on compassionate ground, to which the review petitioner had not drawn our attention, we had to again query him on this aspect, whereupon he ultimately admitted that there was a communication dated 12 April 2023 also addressed by the Sergeant Commodore to the Flag Officer in which in the concluding para, the petitioner's request for transfer has specifically been recommended on compassionate ground. We may note that this communication was never challenged by the petitioner and that the writ petition, which was filed more than a year thereafter, sought a change of the terms of his transfer, effected more than a year prior thereto.

8. We do not know why the petitioner did not draw our attention to this communication, but leave it at that.

9. The third error in our judgment, according to the review petitioner, is in para 17 of the judgment, which notes that the petitioner had, during arguments in the writ petition, placed reliance on para 51 of the decision of this Court in *Babita Punia v The Secretary*¹. He submits that his reliance was on para 58 of the said decision and not on para 51.

10. To our recollection and as per our notes, the reliance was on

¹ Judgment dated 12 March 2010 in WP(C) 1597/2003



para 51. Nonetheless, we have also seen para 58 of *Babita Punia* and even if para 58 were to be relied upon, the ultimate outcome of the judgment would not be any different. This submission, therefore, does not make out any ground for us to review our judgment.

11. The review petitioner's next grievance is with regard to para 20 of our judgment. He submits that the records placed before the Court by the respondent to which para 20 refers, which reads thus, were not shown to him:

“20. The petitioner's primary contention is that his posting to ICGS Delhi should have been classified as a transfer on service requirement rather than on compassionate ground (domestic), given the medical advice recommending proximity to a facility equipped with EPS + RFA capabilities. It is not in dispute that the petitioner suffers from a cardiac condition and that he has been placed in LMC since 2018. However, the records placed before the Court by the respondent, including a communication from the Directorate of Medical Services (Health Services), Naval Headquarters, Ministry of Defence, dated 23.04.2025, clarify that a fully equipped cardiac catheterization laboratory has since been installed at INHS Asvini, Mumbai, and that the facility is now capable of performing EPS and RFA procedures, including for the treatment of PSVT.

12. However, he accepts that, in fact, a fully equipped cardiac catheterization laboratory has been installed at INHS, Asvini, Mumbai, which is capable of performing Electrophysiology Study and Radiofrequency Ablation procedures. His only submission is that the said installation has taken place after his transfer order. As the petitioner has accepted that the facility is available, we do not see how this makes any change to the ultimate decision of the case.

13. The last submission of the review petitioner is with reference to



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para 22 of our judgment, particularly to the following recording therein:

“22. ...The record does not support the petitioner’s assertion that his transfer was ever recommended or processed under the service requirement category...”.

The review petitioner’s submission is that as per the applicable policy, a recommendation for transfer on medical ground has to be treated as a recommendation on service requirement.

14. The recital in para 22 to which the petitioner takes exception, is with reference to the position as it emerges from the record. It does not advert to any transfer policy. Inasmuch as it is not the petitioner’s contention that the record discloses that his transfer was ever recommended under the service requirement category, this obviously does not constitute any error.

15. Though we are not happy about the fact that the petitioner initially sought to contend, contrary to the record, that his request for transfer was not on compassionate ground, as the petitioner appears in person, we refrain from saying anything more on this aspect.

16. The review petition is completely devoid of merit and is accordingly dismissed.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

JULY 11, 2025/yg