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

+ W.P.(C) 1421/2016

SUMIT ARORA Petitioner
Through: Mr. S.S. Pandey, Advocate with
petitioner in person

versus

UNION OF INDIA & ORS. Respondents
Through: Ms. Barkha Babbar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **19.02.2016**

C.M. 6208/2016 (u/S 151 CPC)

Allowed subject to all just exceptions.

W.P.(C) 1421/2016 & C.M. 6207/2016 (for stay)

1. The present petition has been filed by the petitioner praying *inter alia* for setting aside the posting order dated 24th September, 2015, whereunder he has been ordered to be posted at the Base Hospital at Lucknow.

2. At the outset, learned counsel for the respondents, who appears on advance notice, states that this is the second round of litigation initiated by the petitioner on the same issue and prior

hereto, he had filed a petition registered as W.P.(C) 9730/2015, which was disposed of by the predecessor Bench vide order dated 12th October, 2015, with liberty granted to the petitioner to withdraw the said petition with a direction to the respondents that his representation for staying his transfer order directing him to report at the Base Hospital Lucknow, be considered and appropriately responded to by them within one week.

3. Learned counsel for the respondents states that the petitioner has filed a copy of the order dated 12th October, 2015, but has deliberately withheld the subsequent order dated 27th November, 2015 passed in the captioned petition, copy of which has been handed over.

4. On a perusal of the order dated 27th November, 2015, it transpires that the respondent was directed to decide the petitioner's pending representation within a period of six weeks and in case he is dissatisfied by the decision taken, he was granted liberty to seek invalidation in accordance with the existing policies of the Indian Army. In these circumstances, the respondent was directed to consider retaining the petitioner in Delhi in the present posting, till the time he is invalidated. It was also made clear that in case the petitioner does not seek invalidation, he would have to

comply with the transfer order.

5. When confronted with the aforesaid order, learned counsel for the petitioner seeks leave to withdraw the present petition.

6. Leave, as prayed for, is granted.

7. This petition and application are dismissed as withdrawn.

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 19, 2016

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