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

+ W.P.(C) 7253/2015

DEV VARAT

..... Petitioner

Through: Mr. Javed Ahmad & Mr. Pradeep
Kumar, Advocates

Versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

10.02.2016

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C.M. 1720/2016 (u/S 151 CPC)

1. The petitioner has filed the present application for permission to withdraw the present petition, with liberty to file a fresh petition before an appropriate court for the same relief.

2. It is pertinent to note that the petitioner is a resident of District Jhajjar, Haryana and has approached this court for relief against the Railway Protection Special Force, whose Head Office is situated in Delhi. The petitioner has impleaded the Additional Chief Security Commissioner, North Frontier Railway, Maligon, Guwahati, Assam as respondent No. 3 on the ground that the impugned

discharge order dated 19th June, 2015 has been issued by the said Officer.

3. Learned counsel for the petitioner states that the petitioner proposes to approach the Allahabad High Court for appropriate relief as the regional office of the respondent No.2 is situated in Allahabad.

4. This cannot be a ground to grant liberty to the petitioner to approach the said court, as no part of the actionable cause of action has apparently arisen in the State of Uttar Pradesh.

5. We are therefore not inclined to grant liberty to the petitioner to approach the Allahabad High Court for appropriate relief. However, the petitioner is permitted to withdraw the present petition with liberty to approach the respondents No.2 & 3 for seeking of appropriate relief.

6. If the petitioner seeks to invoke his legal remedies against the respondents No.2 & 3 before the court, then the respondents No. 2 & 3 shall be at liberty to take all the pleas in opposition, both on the facts and in law, and place reliance on the judgment dated 17th November, 2015 passed by a Coordinate Bench of this Court in W.P.(C) 5291/2015 entitled "*Praveen Kumar Vs. Ministry of Railways & ors.*"

7. The application is disposed of.

W.P.(C) 7253/2015

In view of orders passed in C.M.1720/2016, this petition stands disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 10, 2016

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