

\$~6

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

+ W.P.(C) 8713/2015 & C.M.19167/2015

SHRI BHAGWAN Petitioner

Through: Ms. Saahila Lamba, Advocate

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Dev P. Bhardwaj, CGSC, and
Mr. Arun Kumar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

04.04.2016

%

1. The present petition has been filed by the petitioner praying *inter alia* for quashing of the Signal dated 15th July, 2015, issued by the respondent-BSF whereunder he has been transferred to 150 Battalion to Eastern Command.

2. Learned counsel for the petitioner states that during the pendency of this petition, the impugned Signal was stayed and the petitioner, who was working on the post of a Constable, stood promoted as an Inspector w.e.f. 23rd October, 2015. Pursuant thereto, the respondents had issued a Signal dated 26th October, 2015, transferring the petitioner to the Eastern Command and the factum of issuance of the Signal dated 26th October, 2015 has come to the knowledge of the petitioner only upon the

respondents filing the counter affidavit on 25th January, 2016. She therefore, seeks leave of the Court to withdraw the present petition while reserving the right of the petitioner to assail the subsequently issued Signal dated 26th October, 2015.

3. Learned counsel for the respondents states that the present petition may be disposed of in view of the submissions made by the counsel for the petitioner but he reserves his right to object to the fresh petition sought to be filed by the petitioner on the ground of delay and laches, as he states that he was well aware of the issuance of the Signal dated 26th October, 2015 and the fact that he was promoted w.e.f. 15th July, 2015.

4. In view of the submissions made by the counsel for the petitioner, the present petition is disposed of. If the petitioner proposes to file a fresh petition to assail the Signal dated 26th October, 2015, the respondent shall be at liberty to take all the pleas in opposition, both on facts and in law, including the plea of delay and laches. The interim order dated 11th September, 2015 is vacated.

HIMA KOHLI, J

SUNIL GAUR, J

APRIL 04, 2016

r