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

+ **W.P.(C) 2520/2016**

S JAYAKUMAR NAIR Petitioner
Through: Mr. S.S. Rao, Advocate

versus

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

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **22.03.2016**

1. The petitioner, who was recruited in the Indian Army, has filed the present petition praying *inter alia* for directions to the respondents to enhance his pension and retirement benefits.

2. It is pertinent to note that the present petition was originally filed in the Registry on 11.1.2015, but it has taken over one year for it to be placed before the Court on account of repeated objections raised by the Registry, on different counts, including on the aspect of the maintainability of the present petition in the High Court, as the petitioner ought to have approached the Armed Forces Tribunal (AFT) for relief. However each time, counsel for the petitioner had insisted that the writ petition as filed is maintainable in the High Court. Finally, the petition was cleared in March, 2016 for being placed before the Court as it is, with an objection with regard to its maintainability.

3. On a query posed to the counsel for the petitioner as to how can this Court entertain the present petition when the remedy of the petitioner lies before the AFT, counsel for the petitioner seeks leave to withdraw the present petition, while reserving the right of the petitioner to approach the AFT for appropriate relief within four weeks from today.
4. Leave, as prayed for, is granted. The writ petition is dismissed as withdrawn.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 22, 2016
sk/mk/rkb