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

+ W.P.(C) 1292/2016

BANSHI DHAR Petitioner

Through: Mr. R. K. Shukla, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Vivek Goyal, Central
Government Standing Counsel

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **19.02.2016**

C.M. 5709/2016 (u/S 151 CPC)

For the reasons stated in the application, delay of 54 days in
refiling the accompanying petition is condoned.

Application is disposed of.

W.P.(C) 1292/2016

1. The present petition has been filed by the petitioner, who is
working on the post of a Sub-Inspector with the respondents No. 2
& 3, for protecting his seniority of the rank of Sub Inspector (C.M.)
from the date of promotion of his immediate juniors on the ground
that he had qualified the pre-promotional course on the first
attempt.

2. Mr. Vivek Goel, learned Central Government Standing Counsel, who appears on advance notice, states that the petitioner had served legal notice dated 13th July, 2015 on the respondents, which was duly replied to vide letter dated 12th August, 2015, but the same has deliberately not been filed.

3. Learned counsel for the petitioner submits that the non-filing of a copy of the reply dated 12th August, 2015 is *bona fide* and seeks leave to withdraw the present petition while reserving the right of the petitioner to file a fresh substantive petition based on the same cause of action, wherein necessary pleas shall be taken in the light of the observations made in the reply dated 12th August, 2015, addressed by the respondent in response to the legal notice dated 13th July, 2015, issued by the petitioner.

4. While taking on record the reply dated 12th August, 2015, handed over by learned counsel for the respondents, the present petition is dismissed as withdrawn, with liberty granted to the petitioner, as prayed for.

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 19, 2016

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