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

+ W.P.(C) 621/2016

FLT CDT SUMIT KUMAR Petitioner
Through: Mr. S.S. Sangwan, Advocate

versus

UNION OF INDIA Respondents
Through: Ms. Jaswinder Singh, CGSC, with
Ms. Abha Malhotra and Ms.
Aastha Jain, Advocates for
respondents-UOI

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

02.03.2016

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1. This order is in continuation of the order dated 11th February, 2016.

On the last date of hearing, we had expressed an opinion that we are not inclined to entertain the present petition in the light of the reply dated 13th October, 2014, issued by the respondents in response to the petitioner's representation. Learned counsel for the petitioner had then stated that there were other candidates like the petitioner, who the respondents have adjusted in other non-flying streams. In view of the said assertion, counsel for the respondents was directed to obtain instructions from the Department.

2. Today, Mr. Jaswinder Singh, counsel for the respondents states on instructions that the petitioner has applied for a Short Service Commission and candidates like him, who do not qualify for flying duties, are not transferred to other non-flying streams or assigned any ground duty branch. To substantiate the said submission, he refers to the Air Force Order No.6/2009 dated 24th April, 2009 and submits that as per Clause 17 (a) (ii), only ex-NDA trainees, who are unsuitable for the navigation branch, are transferred for any ground duty branch. He states that the petitioner is not an Ex-NDA trainee, but a direct entry candidate and therefore, he cannot be extended the benefit of Clause 17 (a) (ii) of the Air Force Order No.6/2009 dated 24th April, 2009.

3. In view of the aforesaid submission, no further orders are required to be passed in the present petition.

4. The petition is dismissed.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 02, 2016

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