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

+ W.P.(C) 642/2016 & C.Ms. 2626-27/2016

UDAYAN POONARATH Petitioner
Through: Mr. Deepak Jain, Advocate

versus

THE UNION OF INDIA & ORS. Respondents
Through: Mr. Rajesh Mishra, Mr. R. Arora
& Ms. Priyanka Arora, Advocates
for respondents No.1 to 4

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
29.01.2016

1. The petitioner is working on the post of Head Constable (Technical Assistant) with the respondent-BSF and has filed the present petition for issuance of directions to the respondent-BSF to promote him to the post of Assistant Sub-Inspector (Lab Technician).

2. Learned counsel for the petitioner states that the petitioner had submitted a substantive representation dated 24th November, 2014 to the respondents seeking redressal of his grievance, as has

been raised in the present petition, but they have failed to respond and instead, a letter dated 25th October, 2015 has been issued to him calling upon him to exercise his option of taking compensation pension or accepting another appointment in lieu of abolition of his permanent post of Lab Technician, the same having been declared as surplus.

3. Learned counsel for the respondents, who appears on advance notice, submits that petitioner has not exercised his option till date. He however concedes that the petitioner's representation of dated 24th November, 2014 has not been responded to by the respondents.

4. In view of the aforesaid position, it is deemed appropriate to direct the respondents to consider the representation dated 24th November, 2014 (Annexure-L) submitted by the petitioner and to pass a speaking order thereon within four weeks from today, with a copy to the petitioner for information. If the grievance of the petitioner still survives, he shall be entitled to seek his remedies in accordance with the law.

5. In the meantime, without prejudice to his rights, the petitioner shall exercise his option in terms of the letter dated 15th October, 2015 (Annexure-N).

6. This petition and the applications are disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

JANUARY 29, 2016

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