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

+ **W.P.(C) 10430/2017 & C.M. No. 42624/2017**

CPL UTTAM DUBEY

..... Petitioner

Through: Mr. Virender Singh Kadian, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Akshay Makhija with
Mr. Aditya Goyal and Mr. Seerat Singh,
Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **24.11.2017**

1. The petitioner seeks issuance of a writ of mandamus to the respondent No.2/Chief of Air Staff, Air HQ (Vayu Bhavan), directing him to dispose of his Redressal of Grievance application dated 05.6.2017 and an application dated 19.6.2017 [Annexure P-1 (colly)].
2. Learned counsel for the petitioner states that while the aforesaid applications submitted by the petitioner were still pending disposal by the respondent No.2, in the meantime, the respondent No.4 awarded a punishment of severe reprimand to the petitioner, on 23.8.2017.
3. Pertinently, the order dated 23.8.2017 is not record. Further, the said order has been passed against the petitioner, who is posted at Air Force Station, Naliya, Gujarat by his Commanding Officer, who is also posted at the same place.

4. Learned counsel for the petitioner states that he had submitted an RTI application dated 21.8.2017, for obtaining a copy of the charge sheet and the punishment, which is pending. We may note that the records before us do not substantiate the said submission. In any event, the cause of action in respect of the subsequent charge sheet and the punishment awarded against the petitioner on 23.8.2017, has not arisen in the territorial jurisdiction of this Court and the petitioner should have approached the competent court vested with territorial jurisdiction for relief against the punishment awarded to him on 23.08.2017.

5. Accordingly, we deem it appropriate to confine the relief in the present petition only in respect of prayer (a) by directing the respondent No.2 to consider and decide the Redressal of Grievance application dated 5.6.2017 and the application dated 19.6.2017 submitted by the petitioner, within two weeks from today under written intimation to him. If aggrieved thereby, the petitioner may seek legal recourse, as may be available to him.

6. Liberty is granted to the petitioner to approach the competent court vested with territorial jurisdiction in respect of prayer (b) made in the present petition.

7. The petition is disposed of along with pending application.

HIMA KOHLI, J

VINOD GOEL, J

NOVEMBER 24, 2017

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