

.\$~3

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

+ **W.P.(C) 5065/2018 & C.M. No.19515/2018 (for stay)**

SACHIN KUMAR

..... Petitioner

Through

Mr.Ankur Chhibber, Adv. with
petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through

Ms.Maninder Acharya, ASG with
Mr.Mahender Kumar Bhardwaj,
Adv., Ms.Saakshi Agrawal, Adv.,
Ms.Vinita Ashutosh, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

02.08.2018

1. On 29th May, 2018, learned counsel for the respondents had sought time to obtain instructions from Director (Medical) to whom the petitioner had handed over letter dated 13.04.2018, through the ADG (HQ) for reconsidering his posting order.

2. Today, Ms.Maninder Acharya, learned Additional Solicitor General, submits that the present petition is a case of gross abuse of the process of the Court as the petitioner has withheld material information. She hands over the original file relating to representations submitted by the petitioner against his transfer to Sector Headquarter, Tejpur from Base Hospital, Delhi in terms of *W.P.(C) 5065/2018*

the impugned order dated 12.04.2018, which has been perused. The same had also been shared with learned counsel for the petitioner in the pre-lunch session. Upon perusal thereof, learned counsel for the petitioner had sought time to obtain instructions from his client who is present in Court.

3. In the post-lunch session, learned counsel for the petitioner states on instructions that he does not wish to press this petition and may be permitted to withdraw the same. Leave as prayed for is granted.

4. The petitioner undertakes not to challenge the order dated 27.04.2018 posting him to 10th Bn, Kimin. It is made clear that the petitioner shall not be entitled to take any of the pleas taken in the present petition before any other legal forum for quashing of the order dated 27.04.2018, whereby his request for retaining him in Delhi had been rejected by the respondents or for quashing his transfer order dated 4.05.2018 or the subsequent posting order dated 04.05.2018.

5. The interim order stands vacated. The petitioner shall report to his place of posting within ten days from today.

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

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 02, 2018/aa