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

+ W.P.(C) 9715/2018 & C.M. No. 37878/2018

SHIV KUMAR YADAV

..... Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mrs. Suparna Srivastava and

Mr. Tushar Mathur, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **17.09.2018**

1. The present petition has been filed by the petitioner, who is working on the post of a Sgt. in the Indian Air Force praying *inter alia* for setting aside the order dated 31.8.2018 issued by the respondents, rejecting his request for discharge from service on compassionate grounds.
2. The petition has been listed by the Registry subject to an office objection with regard to its maintainability in this court.
3. We have enquired from the petitioner, who appears in person, as to how the present petition would be maintainable in this Court, when he ought to have approached the Armed Forces Tribunal for appropriate relief, particularly, in view of the fact that the nature of relief prayed for would fall under "service matter", as defined in Section 3(o) of the Armed Forces Tribunal Act, 2007.

4. The petitioner states that he may be permitted to withdraw the present petition while reserving his right to approach the Armed Forces Tribunal, for relief.

5. The petition is disposed of along with the pending application with liberty granted to the petitioner to approach the Armed Forces Tribunal for appropriate relief, as has been prayed for in this petition.

HIMA KOHLI, J

V. KAMESWAR RAO , J

SEPTEMBER 17, 2018

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