

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

Date of Order: May 10, 2018

+ **W.P.(C) 8454/2017 & CM 34832/2017**

RAJAT JAIN Petitioner
Through: Mr. Simraj Jyot Singh, Advocate
versus

UNION OF INDIA AND ORS Respondents
Through: Ms. Shiva Lakshmi, CGSC with
Mr. Siddharth Singh and Mr. Ruchir Ranjan
Rai, Advocates for respondent No.1
Mr. J.K. Mittal and Mr. Atul Krishna,
Advocates for respondents No.2 & 3

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner is a Trainee under I-CMA Service of respondent-Institute since September, 2014. By way of this writ petition, a direction is sought to respondents to implement the I-CMA Service Scheme and to post petitioner as Assistant Director, as after completion of one year of training, petitioner is entitled to be appointed on the said post.
2. Learned counsel for petitioner submits that upon acceptance of the engagement as Trainee, petitioner was posted in Delhi and continues to work with respondent-Institute in Delhi.
3. In the counter-affidavit filed by respondent-Institute, an objection of territorial jurisdiction has been taken. It is also asserted in the counter-affidavit filed by respondent-Institute that this writ petition is based on

disputed facts and therefore, it ought not to be entertained. However, on merits nothing has been stated in the counter-affidavit filed by respondent-Institute.

4. Upon hearing and on perusal of the material on record, I find that consequent upon 'offer of appointment' (Annexure A-3 colly.), petitioner was posted as a Trainee in Delhi Office of respondent-Institute and so, this Court would have the territorial jurisdiction to entertain this petition.

5. Since no counter affidavit on merits has been filed by respondent-Institute, therefore, it is deemed appropriate to dispose of this petition with direction to first respondent to consider petitioner's Legal Notice of 26th June, 2017 (Annexure A-11 colly) as a Representation and to pass a speaking order thereon, within a period of six weeks and to convey its fate to petitioner with a week thereafter, so that petitioner may avail of the remedies as available in law, if need be.

6. With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* to learned counsel for petitioner and second respondent.

(SUNIL GAUR)
JUDGE

MAY 10, 2018

S