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

+ W.P.(C) 8509/2017

(DIR.) SHAILENDRA KUMAR, COMDT (NFSG) Petitioner

Through: Mr. S.S. Pandey, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Bharathi Raju, CGSC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.02.2018**

1. This order is in continuation of the order dated 29.01.2018 on which date, having regard to the objection taken by the counsel for the respondents relating to the maintainability of the present petition in this Court on the ground that the petitioner is posted at Dimapur, Nagaland and the relief in the present petition is primarily directed against the respondent No.4/Director General, Assam Rifles, whose Headquarters is situated at Shillong, learned counsel for the petitioner had sought time to obtain instructions and revert back.

2. Today, after addressing arguments at some length and being mindful of the *prima facie* view expressed by us that the present petition does not appear to be maintainable in this Court, Mr. Pandey, learned counsel for the petitioner states that one of the grievances raised by the petitioner is the failure on the part of the respondent No.1/Ministry of Home Affairs to

respond to the several representations made by the petitioner for reviewing the policy on posting of all GDMOs with PG qualification. Our attention in this regard is particularly drawn to the representations dated 26.11.2016 and 22.02.2017 [Annexure P-8 (colly) and Annexure P-10 (colly) respectively].

3. We are informed that the aforesaid representations were dispatched by the petitioner to the respondent No.1, through proper channel and are still pending consideration.

4. Counsel for the respondents states that if the aforesaid representation is still pending, then appropriate orders shall be passed by the respondent No.1/Ministry of Home Affairs under written intimation to the petitioner.

5. The present petition is disposed of with directions issued to the respondent No.1/Ministry of Home Affairs to consider and decide the representations of the petitioner dated 26.11.2016 and 22.02.2017 and pass a speaking order within six weeks under written intimation to him.

6. It is made clear that if the petitioner is aggrieved by the orders that may be passed by the respondent No.1, he shall be entitled to seek his remedies before the competent court vested with territorial jurisdiction to entertain the same, which will not be this Court as the petitioner is a personnel serving in the respondent No.4/Assam Rifles, whose Headquarters is situated at Shillong, Manipur.

7. The petition is disposed of.

HIMA KOHLI, J

REKHA PALLI, J

FEBRUARY 01, 2018/rkb/na

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