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

% **Date of decision: 23rd July, 2020**

+ **W.P. (C) 3060 /2020 & C.M. Appln. No.10656/2020 (for stay)**

**ABHINAV SINGH RAWAT (PART TIME MAJ IN THE
TERRITORIAL ARMY)**

..... Petitioner

Through: Mr. Sanjoy Ghose & Mr. Naman Jain,
Advocates.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Mrinalini Sen Gupta & Mr.
Tanmay Yadav, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

[VIA VIDEO CONFERENCING]

RAJIV SAHAI ENDLAW, J.

1. The petitioner, a Part-Time Major in the Territorial Army, has filed this petition impugning the order dated 23rd March, 2020, transferring the petitioner from 105 Infantry Battalion (TA) Rajputana Rifles to 103 Infantry Battalion (TA) Sikhli currently located at Udhampur, Jammu as part time Company Commander, as well as the movement order dated 14th April, 2020.

2. It was the contention of the petitioner that the said orders are contrary to the statutory rules as applicable to the Territorial Army.

3. Notice of the petition was issued on 8th May, 2020, though no interim order granted to the petitioner till now.
4. The counsel for the petitioner today states that the petitioner, in view of the prevalent situation at the border, is not desirous of pursuing the present petition but seeks liberty to approach this Court again on the legal issue raised.
5. The counsel for the respondents states that though the legal question may be kept open but the petitioner can approach this Court only if a cause of action accrues in future to the petitioner.
6. The counsel for the petitioner states that the petitioner will not challenge the subject orders but if in future the petitioner is again transferred in violation of statutory provisions, only then, if feels the need, will apply again.
7. The petition is disposed of keeping the legal question raised in the petition open and permitting the petitioner to file afresh, if any cause of action arises in future.

**RAJIV SAHAI ENDLAW
(JUDGE)**

**ASHA MENON
(JUDGE)**

JULY 23, 2020
Ck/pkb