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

% **Date of Decision: 29th September, 2020**

+ **W.P. (C) 7212/2020**

R. JANI WIFE OF 909329 SGT SANOJ SANKER KV

.....Petitioner

Through: Mr. Manoj Kumar Gupta, Advocate

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Ms. Kinjal Shrivastava
and Mr. Varun Kishore, Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
HON'BLE MS. JUSTICE ASHA MENON

[VIA VIDEO CONFERENCING]

JUSTICE ASHA MENON

C.M. Appln. No.24375/2020 (Exemption from filing certified copy, typed and legible copies and to file dim copy of the annexures accompanying with the present writ petition)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P. (C) 7212/2020, C.M. Appln. No.24374/2020 (of the petitioner for urgent and/or ad-interim ex parte directions(s))

3. The grievance of the petitioner is the action of the respondents, particularly the Indian Air Force, transferring her spouse Sgt. Sanoj Sankar from 49 Squadron Air Force Station Jorhat to 33 Squadron on his personal request during the pendency of an inquiry against him regarding his plural marriage on 26 February, 2020. She has made the following prayers: -

“16. It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue:

16.1 A Writ in the nature of certiorari or/and mandamus or any other appropriate writ, orders, directions quashing Posting Order dt. 16-07-2020 of IAF issued i/r/o of Sgt Sanoj Sankar for posting him from Air Force Station Jorhat, which is ultra-vires, discriminatory and also in contravention to the fitness of things.

16.2 Issue a writ of Mandamus or any appropriate order directing the Respondents not to move spouse of the petitioner from AFS Jorhat without concluding to inquiry with regard to plural marriage with Mrs Deepika Nair a State Govt employee of KSFE, on 26 Feb 2020 in Guruvayoor Temple at Trissure Kerela.

16.3 To pass a direction to Respondent not to post out the Sgt Sanoj Sankar from AF Stn Jorhat, till valuable & belongings/certificate of Applicant not returned which stolen by Sgt Sanoj Sankar from the SMQ in which she was residing while surrendering

SMQ in her absence without following due procedure of Law...”

4. The learned counsel for the respondents, Sh. Harish Vaidyanathan Shankar, CGSC, appearing on advance notice has contended that none of the prayers can be granted by this court, particularly in view of the fact that the transfer order has already been executed and the officer concerned has already been relieved from Jorhat and has joined the station in Kerala. The learned counsel for the petitioner, Sh. Manoj Kumar Gupta on the other hand submitted that when the complaint of the petitioner was that her spouse had contracted a second marriage without divorcing her, the respondents could not facilitate the continuation of such an offence by transferring her husband to Kerala where he could reside with the second wife who was a Kerala government employee.

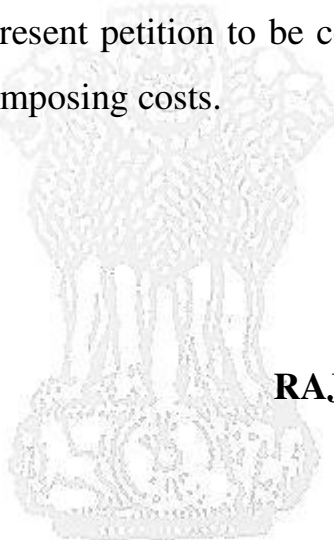
5. In the petition, it is also submitted that the certificates and other material documents and belongings of the petitioner had been stolen by her spouse which were allegedly kept at Jorhat in the SMQ which had been vacated by him way back in August, 2018. Moreover, her complaint of plural marriage was still pending. Therefore it was necessary that the spouse be transferred back to Jorhat so that the documents could be retrieved and the inquiry concluded.

6. We are in agreement with the submissions of the learned counsel for the respondents that the prayers cannot be granted by

this court. It is her own case that she has approached the Kerala High Court against the *ex parte* divorce granted to Sgt. Sanoj Sankar by the Family Court. She also refers to Mediation before the Family Court in Kerala. She would be well advised to apply to the Family Court seized of her matter, for the return of the documents, if any were still in the possession of Sgt. Sanoj Sankar. She claims she has filed a complaint with the Air Force Chief. May be that may prove more productive than the present petition.

7. We find the present petition to be completely misconceived but we refrain from imposing costs.

8. Dismissed.



**RAJIV SAHAI ENDLAW
(JUDGE)**

**ASHA MENON
(JUDGE)**

SEPTEMBER 29, 2020
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