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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 21.09.2022

+ W.P.(C) 12008/2022 & CM. APPL.35851/2022

COL VIVEK SHARMA Petitioner

Through: Mr. Abhishek Ritabh Shukla and Mr.
S.S. Pandey, Advocates

versus

UNION OF INDIA AND ORS Respondents

Through: Ms. Archana Surve, GP for R-1
Ms. Shubhra Parashar, Mr. Virender
Pratap Singh Charak, Mr. Shishir
Khose and Mr. Pushpender Singh
Charak, Advocates for UOI
Major Partho Katyayan and Lt. Col.
Suchitra, MS Legal**CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE SAURABH BANERJEE****J U D G M E N T (oral)**

1. Vide order dated 18.08.2022, this Court passed order as under:

"1. Present petition has been preferred seeking quashing of the posting orders dated 12.08.2022, 29.06.2022 and 03.08.2022 wherein petitioner has been posted to 111 Sub Area Binaguri as Additional Officer.

2. Learned counsel for the petitioner submits that petitioner has made representation dated 04.08.2022 to the Military Secretary, however, signed copy of the same is not annexed with the present petition.

3. On perusal of the copy of the representation mentioned above, we find that though it is directed to Lt. Gen PGK Menon, UYSM, VSM, Mil Secy, Military Secretary Br, IHQ of MoD (Army), Room No.84, South Block, New Delhi-



110011, it does not contain any signatures and is not in proper manner.

4. However, learned counsel for the petitioner seeks time to produce the original representation on the next date of hearing.”

2. Today, learned counsel for petitioner has produced a copy of representation dated 04.08.2022 before this Court and has submitted that the said representation has been sent through proper channel.

3. On perusal of the aforesaid representation, we find that this is not in the form of representation rather it is a DO letter to the concerned authority.

4. Moreover, the respondents have denied receiving any such type of representation from the petitioner.

5. In view of above, we hereby dispose of the present petition by granting liberty to the petitioner to make a fresh representation to the respondents through proper channel within two weeks and on receipt of the same, further directing the respondents to decide the same within four weeks thereafter and communicate decision thereof to the petitioner in writing within one week thereafter. Pending application also stands disposed of.

6. Needless to state, if the petitioner is still aggrieved by the decision on the representation, he may approach the appropriate forum.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 21, 2022/rk