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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 23.02.2023

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W.P.(C) 12049/2021

HMT L THAMOTHARAN

..... Petitioner

Through: Ms. Archana Ramesh,
Advocate.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Vivekanand Mishra, Sr.
Panel Counsel with Mr.
Nirbhay Singh, Deputy
Director.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The petitioner in his petition has made following prayer:

- a) *To quash and set aside the General Officer Commanding in Chief Southern Command Order dated 31 Oct 2018 which is assailed herein as the **Impugned Order** and is placed herein as **Annexure P - 10** along with Sentence of the Summary Court Martial of reduction from substantive Havildar to the rank of Naik which he never held before in his military service being contrary to the Army HQ Policy letter dated 07 July 1994 placed herein as **Annexure P - 5**;*
- b) *To direct the respondents to maintain status quo of the previous rank and appointment of Havildar Major Technical with full pay and allowances in the interregnum period till date to meet the ends of equity, justice and fair play.*

- c) To direct the adequate exemplary compensation as deemed just and proper by this Hon'ble High Court in the genuine attendant circumstances the case to meet the ends of equity, justice and fair play.*
- d) To direct the respondents to pay the Band Pay All Pay Slip difference being noted HAUCL pay slip 11/2019 HRA pending wef 2016,2017,2018 and 2019 being pending and LRA Pay Slip 10-2019 to meet the ends of justice.*

2. Learned counsel for the respondents submits that as per the compliance affidavit, the purpose of filing the petition has been satisfied, thus the present petition has become infructuous. Learned counsel for the petitioner submits that she has not received such communication.

3. The respondents are directed to supply the copy of the same to the petitioner. It is made clear that if the petitioner still has any grievance regarding the calculation, the petitioner is at liberty to make representation and the respondents are directed to decide the same within four weeks thereafter.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

February 23, 2023/PA