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

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Date of decision: 27.01.2023

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W.P.(C) 17418/2022 & CM APPL.55459/2022

JAI NARAYAN PRASAD

..... Petitioner

Through: Mr.Debjyoti Behuria, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

**Through: Mr.Nitijnya Chaudhary, SPC with
Mr.Deepak Kumar, Advocate with
Mr.Ram Niwas, Subedar.
Ms.Deepa Malik (GP) for UOI.**

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. Vide the present petition, petitioner prays as under:

“a) issue necessary direction to the Respondents not to post out the petitioner prematurely and allowing the Petitioner to complete the two years tenure at Project Dantak at Bhutan since the posting order issued by GREF Records vide posting Order No. 063 I BCA I Out I Group -II JEMI F AS dated 03.09.2022 is arbitrary and perverse;

b) quash I set aside the posting Order No. 063 I BCA I Out I Group -II JEM/FA5 dated 03.09.2022 and movement order no.120241MO out-1091El camp dated 21st November 2022;

c) issue any other or further orders or directions to Chief Engineer Project Dantak at Bhutan not to move out the petitioner from present place of posting at Bhutan till the disposal of the present writ petition;”

2. On the last date of hearing, i.e. on 20.12.2022, counsel for the respondents had informed this Court that petitioner had already joined the

project – Vijay Kargil on 09.12.2022 and thus, the present petition had become infructuous.

3. Counsel for the petitioner submitted that as per his instructions petitioner was on leave and had not joined the project and sought adjournment to seek instructions.

4. Today, counsel for the respondents has produced oral report dated 13.01.2023 whereby it is established that date of TOS (taken on strength) by project – Vijay Kargil is dated 23.11.2022 and on 06.01.2023 (F/N) he was TORS (taken on ration strength) when he physically joined after availing leave. Even otherwise, pursuant to movement order, the petitioner was supposed to join on 07.12.2022, however, two more days were granted. On 01.12.2022, the petitioner sought 80 days EL, however, he was granted 30 days EL by Vijay Kargil project and thereafter on 06.01.2023, the petitioner had joined after availing 30 days leave.

5. In view of above, petition has become infructuous and same is accordingly, disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 27, 2023/ab