
(2023) 07 DEL CK 0247

In the Delhi High Court

Case No : Civil Writ Petition No. 14648 Of 2022, Civil Miscellaneous Application No. 50882 Of 2022

HAV (CLK SD) Kulwinder Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 27-07-2023

Acts Referred:

Citation : (2023) 07 DEL CK 0247

Hon'ble Judges : Sanjeev Sachdeva, J;Manoj Jain, J

Bench : Division Bench

Advocate : Ajit Kakkar, Ankit Negi, Mohit Kumar Auluck, Sushil Raaja, Vivek Nagar

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks cancellation of extension of posting order dated 03.06.2022 and seeks a direction that the petitioner be retained at Delhi till his discharge is sanctioned.
2. Learned counsel for the petitioner submits that petitioner was kept in the waiting list as per their Communication dated 21.10.2019 at serial No.59 and till date he has not been discharged.
3. Learned counsel for the respondent has produced subsequent communication dated 25.07.2023 wherein it is stated that the seniority of the petitioner's application for premature retirement now stands at serial number 25.
4. Learned counsel for the petitioner submits that as per his information, respondents are giving premature retirement outside the list and he reserves his right to seek appropriate remedy in accordance with law in case the seniority in the list is breached or any person outside the list is released.
5. Learned counsel for the petitioner further submits that since petitioner is

transferred to a field area, he shall be entitled to a field accommodation.

6. Order dated 25.11.2022 notes the contentions of the petitioner that his Extra Regimental Employment tenure in Delhi was extended by the communication dated 06.05.2022 on medical grounds for one year i.e. up to May, 2023. However, by communication dated 03.06.2022, the extension was cancelled.

7. Keeping in view the above submissions, this Court had directed stay of the communication dated 03.06.2022. We notice that the said period of extension, as communicated by the Communication dated 06.05.2022, has already elapsed.

8. Learned counsel for the petitioner seeks leave to withdraw the petition reserving the right of the petitioner to approach the Armed Forces Tribunal, if aggrieved by the decision of the respondent or inaction of the respondent on the application seeking discharge.

9. Learned counsel for the petitioner submits that he also reserves the right of the petitioner to give a representation to respondents to reconsider the order of posting or post the petitioner to a place where he can have adequate medical treatment for his child as also for granting such benefits as may be admissible to personnel posted in field areas.

10. In view of the above, the petition is dismissed as withdrawn with liberty as prayed for.

11. Keeping in view the medical condition of the child of the petitioner, he is granted two months time to join in terms of the posting order dated 03.06.2022.

12. Order Dasti under the signatures of the Court Master.