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

+ W.P.(C) 6607/2017

VOICE OF EX-SERVICEMEN SOCIETY (REGD.) & ORS.

..... Petitioners

Through: Mr.Umesh Sharma, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Ripu Daman Bhardwaj, Advocate
for UOI.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **28.11.2017**

1. The present petition has been filed by the petitioners praying *inter alia* for issuing directions to the respondents to grant equal MSP to all combatant armed forces personnel in all the wings of the armed forces.
2. Learned counsel for the respondents, who appears on advance notice, states that the petitioners have withheld material information from the Court. He submits that prior to filing of the present petition, they had filed W.P.(C) No.11406/2016 asking for almost similar relief and filed by them as a PIL, which was dismissed by the Division Bench with an observation that no PIL is maintainable in a service matter. Learned counsel hands over a copy of the order dated 07.12.2016 passed by the Division Bench in the captioned petition.

3. Learned counsel for the petitioners concedes on instructions that such a petition was filed and admits that no averment in this regard has been made in the present petition.
4. The conduct of the petitioners in withholding material information and at the same time, trying to invoke equities under Article 226 of the Constitution of India is deprecated.
5. On merits, counsel for the petitioners submits that the petitioners had approached the respondents with several representations, the last one dated 01.01.2016 (Annexure P-10) raising a similar grievance, but they have not received any response till date.
6. We deem it appropriate to dispose of the present petition with directions issued to the respondents to decide the pending representation dated 01.01.2016 submitted by the petitioners, by passing a speaking order within eight weeks under written intimation to them. If the grievance of the petitioners still survives, they shall be entitled to seek legal recourse.
7. This petition is disposed of along with the pending application.

HIMA KOHLI, J

REKHA PALLI, J

NOVEMBER 28, 2017

gm