

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

+ LPA 547/2000

R.K.MINA Appellant
Through Mr.Ashish Garg, Adv.

versus

MCD & Others Respondents
Through Mr.Vibhu Shankar, Adv. for R1 & R-2

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE REVA KHETRAPAL

% **ORDER**
19.02.2008

Counsel appearing for the respondents has drawn our attention to the contents of the impugned order dated 21st August, 2000. By the said order the learned Single Judge allowed the writ petition filed by the respondent No.3 relying on the decision of the Supreme Court in Ajit Singh & Others v. State of Punjab reported in JT 1999 (7) SC 153. Referring to the said judgment and observing that the said judgment is binding on the Court, the learned Single Judge passed the impugned order quashing the seniority list of the Executive Engineers(Civil) dated 14th July, 1995 directing the official respondents to fix the seniority of the Executive Engineers (Civil) afresh in the light of the aforesaid judgment.

The said observations and directions made in the light of the judgment in the case of Ajit Singh & others v.State of Punjab

(supra) are under challenge in this appeal. During the course of hearing, learned counsel for the respondents has pointed out that after rendering his service as Chief Engineer respondent No.3 has retired from service whereas the appellant was promoted to the post of Engineer-in-Chief and has since retired from the said post. Counsel for the appellant has also drawn our attention to the decision rendered by the Supreme Court in M.Nagaraj & Others v. Union of India & Others reported in (2006) 8 SCC 212. Counsel for the respondent states that by the aforesaid judgment a Constitution Bench of the Supreme Court has upheld the constitutional validity of the Constitution (Seventy-seventh Amendment) Act, 1995, the Constitution (Eighty-first Amendment) Act, 2000, the Constitution (Eighty-second Amendment) Act, 2000 and the Constitution (Eighty-fifth Amendment) Act, 2001. In the said decision of the Supreme Court, the decisions rendered in Ajit Singh Januja v. State of Punjab (Ajit Singh-I) reported in (1996) 2 SCC 715, Ajit Singh-II (supra) and Ajit Singh-III reported in (2000) 1 SCC 430 were also considered. The said position is accepted by the counsel appearing for the parties.

Since the legal position has been made clear by the aforesaid decision of the Supreme Court and since the appellant as also the respondent no.3 in the present appeal have retired from service

after attaining their maximum position as there was no stay granted, it appears to us that the respondent has given effect to the directions. In our considered opinion, nothing survives in this appeal and the same is rendered infructuous. The appeal is accordingly disposed of as infructuous.

CHIEF JUSTICE

REVA KHETRAPAL, J

FEBRUARY 19, 2008
“v”