

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

+ **W.P. (C.) No.3920/2007**

% **Date of Decision: 02.12.2009**

Dinesh Dutt Sharma & Anr. .... Petitioners

Through Mr.Ravi Kant Jain, Advocate.

Versus

Govt. of NCT of Delhi & Ors. ... Respondents

Through Ms.Manpreet Kaur, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KUMAR**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

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|----|-----------------------------------------------------------------------|-----|
| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not?                                | NO  |
| 3. | Whether the judgment should be reported in the Digest?                | NO  |

**ANIL KUMAR, J. (ORAL)**

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The petitioners have impugned the order dated 11<sup>th</sup> July, 2006 in O.A No.1909/2003, Sh.Dinesh Dutt Sharma & Anr v. Govt of NCT of Delhi and Ors denying them the designation of lecturers from 1988 and designating them as lecturers from the dates of their retirements.

The Tribunal had granted relief of designating petitioners as lecturers from the dates of their retirement on the premise that designating them as lecturers from an earlier date will have no financial

implications as the petitioners were drawing more salary as Foreman than they would as lecturers.

The learned counsel for the petitioners has contended that the petitioners had sought their designation as lecturers from 1988 and their plea was not to designate them as lecturers from the date of their retirement nor there is any justification for not designating the petitioners as lecturers from 1988 and designating them as lecturers from the dates of their retirement. It is contended by the petitioners that the impugned order has an error apparent in as much as the premise on the basis of which the Tribunal did not grant the designation of lecturer (that the petitioners pay as foreman was more than it would have been even if they had been designated as lecturer from 1988) is erroneous.

In the circumstances, the learned counsel for the petitioners contends that the order dated 11<sup>th</sup> July, 2006 passed in O.A No.1909/2003 is liable to be reviewed. If the petitioners are right in their aforesaid submission, it may be a fit case for review of its order by the Tribunal.

The learned counsel for the petitioners also contend that the petitioners shall file appropriate review application before the Tribunal

seeking review of order dated 11<sup>th</sup> July, 2006 passed in O.A No. 1909 of 2003, Dinesh Dutt Sharma Vs Govt. of NCT of Delhi & ors.

The learned counsel for the respondents has also contended that the respondents would have no objection to the petitioners seeking review of order dated 11<sup>th</sup> July, 2006 seeking designation as lecturers from 1988 instead of from the date of their retirement in accordance with law without prejudice to the pleas and contentions of the respondents.

Consequently the petitioners are given liberty to approach the Tribunal within 30 days to seek review of the impugned order dated 11<sup>th</sup> July, 2006 passed in O.A NO. 1909 of 2003 in accordance with law. The respondents shall be entitled to contest the review petition on merits. However, in case the petition for review is filed by the petitioners within 30 days, the same shall not be declined on the ground of limitation. With these directions the petition is disposed of. Parties are left to bear their own costs.

Copies of this order be given dasti to the counsel for the parties.

**ANIL KUMAR, J.**

**December 02, 2009**

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**VIPIN SANGHI, J.**