

\$~2.

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 1569/2016

NO 962332788 CONSTABLE/ GD MUKESH KUMAR..... Petitioner

Through: Mr. Yashish Chandra, Advocate with
petitioner in person.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Rakesh Kumar, CGSC for R-1.

Mr. J.S. Lamba, Advocate with Mr. Sandeep

Balhara, Manager (Legal), NTPC for R-2 and R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

04.03.2016

1. This order is in continuation of the order dated 24.02.2016 on which date, the following observations were made:-

“3. Learned counsel for the respondent-NTPC had stated that in compliance of the aforesaid order, the respondents had reconsidered the petitioner’s representation and forwarded a reply dated 20th November, 2015, explaining inter alia the reasons for turning down his request for claiming pay and allowances as per the NTPC norms. He had contended that the petitioner had deliberately withheld the fact that he had filed the earlier petition for the same relief, which was decided vide order dated 22nd September, 2015. A perusal of the present petition reveals that neither has a copy of the order dated 22nd September, 2015 passed in the captioned writ petition, nor the reply dated 20th November, 2015 sent by the respondent-NTPC, been placed on record. However, as none was present on behalf of the petitioner, in the interest of justice, the matter was passed over.

4. On the second call, learned counsel for petitioner is present and has been confronted with the aforesaid position. He states that the petitioner has not apprised him of the earlier petition and the decision taken by the respondent-NTPC and it is for the said reason that he has not incorporated the said fact in the present petition.

5. In view of the aforesaid submission made by learned counsel for the petitioner, it is deemed appropriate to direct the presence of the petitioner on the next date of hearing.”

2. Today, the petitioner is present in person and states that contrary to what had been stated by his counsel, Mr. Rakesh Sharma, Advocate on 24.02.2016, he was very much present in Court on the said date but his counsel had not intimated him about the observations made by us with regard to withholding material information while filing the present petition. He states that he had furnished all the relevant documents including those mentioned in para 3 of the order dated 24.02.2016 to his counsel and not being legally well versed, he had relied upon his counsel to file the said documents and refer to them in the petition. On being asked, as to why is Mr. Rakesh Sharma, Advocate absent today, he states that he had tried to contact him but he has not turned up. He further states that he had sought guidance from Mr. Yashish Chandra, Advocate, who had stated that he would need time to examine the brief.

3. While passing over the matter, counsel for the respondents No.2 and 3/NTPC was directed to explain the import of the order dated 24.02.2016 to the petitioner and apprise him of the background in which his presence was required today. Further, the petitioner was called upon to call Mr. Yashish Chandra, Advocate so that we could be adequately assisted in the matter.

4. On the second call, Mr. J.S. Lamba, learned counsel for the respondents No.2 and 3/NTPC states that he has explained the import of the order dated 24.02.2016 to the petitioner. We have also interacted with the petitioner. At the end of the said interaction, the petitioner states that he may be permitted to withdraw the present petition while reserving his right to claim HRA from the NTPC in terms of the observations made in para III of the additional pleas of their reply dated 20.11.2015 in response to the petitioner's legal notice. Further, the petitioner reserves his right to seek impleadment in **W.P.(C) 5379/2014** entitled Supriya Sarkar vs. UOI and Ors., where certain CISF personnel on deputation to NTPC have approached the Court for seeking directions to the NTPC to pay them salary as per the NTPC pay scales.

5. In view of the explanation offered by the petitioner and recorded above, we do not propose to take the matter further. The present petition is dismissed as withdrawn with liberty granted to the petitioner to represent to the respondents No.2 and 3/NTPC with regard to disbursement of HRA and for seeking his legal remedies for grant of salary as per NTPC pay scales, either in the captioned writ petition or by way of filing an independent petition, in accordance with law.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 04, 2016

rkb