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

+ W.P.(C) 1140/2016

SHARAD TIWARI

..... Petitioner

Through: Mr. Sugriva Dubey, Advocate with
Mr. Peeyush Bhatia, Advocate

versus

THE LT. GOVERNOR AND ORS

..... Respondents

Through: Mr. Ajjay Arora, Advocate with
Mr.D.K. Puchwanda, Advocate for
MCD.
Mr. Sanjay Ghose, ASC with
Ms.Pratishtha Vij, Advocate for
GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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13.07.2016

1. This petition by way of Public Interest Litigation has been filed by
with the following prayers:

"a) The Hon'ble Court may kindly quash Section 3 amending
Section 2 of the Principal Act i.e. Municipal Corporation Act in
the facts and circumstances of the petition.

b) Further Section 4 & 5 of the Amended Act of the
Municipal Corporation of Delhi may kindly be quashed and set
aside in the interest of justice.

c) The sanitary and hospital employees of all the three
Municipal Corporations of Delhi may kindly be ordered to be
paid their salaries and wages by the Govt. of NCT of Delhi till
the Municipal Corporations are turned into one Corporation i.e.
without considering the different zones of the MCD i.e. South,

East and other zones of the MCD in the interest of justice.

d) Any other relief which this Hon'ble Court may deem fit and proper also be passed in favour of the petitioner."

2. In relation to the prayer (a) and (b), we find from the record that except incorporating the statutory provisions, the petitioner failed to make out any ground for quashing the said statutory provisions.

3. So far as prayer (c) is concerned, admittedly the strike of the employees of the Corporation has already been called off.

4. Hence, cause of action does not survive and the petition does not deserve consideration on merits.

5. Accordingly, writ petition is disposed of with a direction that the Government of NCT of Delhi to ensure release of funds to which the Corporations are entitled to without any delay. The Corporations shall also ensure payment of salaries to all its employees promptly.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JULY 13, 2016/radhika