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

+ W.P.(C) 2020/2016 and CM APPL. 8730/2016

CPL RANJEET KUMAR Petitioner
Through: Mr. Ajit Kakkar, Advocate

versus

UNION OF INDIA AND ORS Respondents
Through: Ms. Bharathi Raju, CGSC

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **19.05.2016**

1. Vide order dated 09.03.2016, at the time of issuing notice in the present petition, the respondents were directed to file a counter affidavit specifically stating *inter alia* as to whether they had received the petitioner's representation dated 05.11.2015 and if so, whether they had passed an order on his pending application dated 26.02.2016, for seeking discharge on selection to a Group 'A' Civil Post, in terms of the Signal dated 23.07.2015.
2. A counter affidavit has been filed by the respondents. Counsel for the respondents hands over a copy of the order dated 19.04.2016, issued by the Competent Authority, disposing of the petitioner's application dated 26.02.2016, seeking *ex-post facto* discharge on selection. As per the

aforesaid order, the petitioner's request for discharge has been turned down.

3. Counsel for the respondents states that it had been specifically stated in the counter affidavit that the present petition is premature inasmuch as the petitioner's application dated 26.02.2016 for seeking *ex-post facto* NOC was still pending when he had elected to file the present petition on 08.03.2016. She adds that contrary to the submission made by the other side on 9.3.2016, the respondents had not received any representation dated 05.11.2015 from the petitioner for seeking NOC.

4. A fresh cause of action has accrued in favour of the petitioner in view of the order dated 19.04.2016 passed by the Competent Authority, declining the petitioner's request for discharge from service on selection to a Civil Post. It is therefore deemed appropriate to dispose of the present petition with liberty granted to the petitioner to assail the said order, if so advised, in accordance with law.

5. Counsel for the petitioner states that an interim order dated 09.03.2016 was passed in favour of the petitioner, directing the respondent No.5 to reserve one post of an Officer in the Junior Management Scale-I for him, which has been continuing to operate till date. He submits that he may be granted one week's time to file a fresh petition and till then, the aforesaid

order may be continued.

6. It is deemed appropriate to continue the order dated 09.03.2016 for a period of one week reckoned from today. If the petitioner does not file a fresh petition within one week, then the said order shall automatically lapse.

7. The petition is disposed of alongwith the pending application.

MAY 19, 2016
rkb/mk

HIMA KOHLI, J

DEEPA SHARMA, J

