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

+ W.P.(C) 6299/2016

GNCT OF DELHI AND ANR Petitioner

Through : Mr.Sanjay Dewan, Adv.

versus

ANOOP RAJ

..... Respondent

Through : Mr.Varun Chopra and Mr.Kamal Singh,
Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S. MEHTA

ORDER

% **16.09.2016**

CM APPL. 33900/2016

This is an application filed by the respondent/applicant seeking modification/clarification of the order dated 22.7.2016 passed by this Court.

Learned counsel for the respondent submits that on 22.7.2016 the Court had granted two weeks time to the petitioners to file a Review Application, however, the counsel for the petitioner had made a statement that Review Application would be filed before the Tribunal within three days. Counsel further submits that the Review Application was not filed by the petitioner within three days. Counsel, thus, prays that the order dated 22.7.2016 requires clarification to the extent that as to whether the Review Application was to be filed by the petitioners within three days as had been stated by the counsel for the petitioners or the Review Application was to be filed by the petitioners within two weeks', which was granted by the Court.

Learned counsel for the petitioners/non-applicants enter appearance on an advance copy.

Heard counsel for the parties. We may note that while disposing of this

writ petition on 22.7.2016, we had passed the following order:

“CAV. No. 587/2016

Learned counsel for the caveator enters appearance. Accordingly, the caveat petition is disposed of.

CM No. 25801/2016(Exemption)

*Allowed subject to all just exceptions.
The application stands disposed of.*

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The OA filed by the respondent was disposed of by an order dated 10th July, 2015 passed by the Central Administrative Tribunal which reads as under:

“Mr. Varun Chopra, learned counsel for applicant submitted that if the applicant is treated as professor of Excellence by the respondents, with consequential benefits, till he attains the age of 65 years, he would not press the Original Application. Mr. NK Singh, learned proxy counsel respondent Nos. 2 to 4—Govt. of N.C.T. of Delhi readily submitted that for rest of his tenure, the applicant would be treated as Professor of Excellence with all consequential benefits.

2. In view of the statement made by learned proxy counsel for the respondent Nos. 2 to 4, the Original Application is disposed of. No costs”.

It is submitted before us that the proxy counsel who made a statement before the Tribunal was not authorized to do so and the submission made by him was against the provisions of law and the earlier decisions rendered by the Tribunal.

In our view, in case the submission made by the counsel is to be withdrawn, an application for review should have been filed before the Tribunal. In case, the review is filed within two weeks, the respondent would not raise the plea of limitation before the Tribunal.

Mr. Dewan, learned counsel for the petitioner submits that the application will be moved within three days.

In view of above, learned counsel for the petitioner seeks leave to withdrawn the instant petition with liberty to file a review application before the Tribunal.

Accordingly the writ petition and the application are dismissed as withdrawn with liberty as prayed for. We have not expressed any opinion on the merits of the matter.

Dasti.”

As far as our recollection goes, we had granted two weeks time to the counsel for the petitioner to file review application although the counsel for the petitioners had made a statement that review application would be filed within three days. In our view, in such a situation, grant of two weeks' time to file review application would be a reasonable time and not three days.

Accordingly, the present application stands disposed of with the above clarification.

Let a copy of this order be given DASTI to the counsel for the parties under the signature of Court Master, as prayed.

G.S.SISTANI, J

I.S. MEHTA, J

SEPTEMBER 16, 2016 msr /

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