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

+ **W.P.(C) 4555/2016**

M C AGARWAL

..... Petitioner

Through: Mr. Narendra Gautam, Adv.

versus

GOVT OF NCT OF DELHI THR SECRETARY

AND ORS

..... Respondents

Through: Ms. Tanuja Basera, Proxy Counsel for
Ms. Prabhsahay Kaur, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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29.07.2016

W.P.(C) 4555/2016

On the last date of hearing, notice in the petition was issued and impugned order dated 28th April, 2016 was stayed by this Court.

It is noted that the petitioner is an employee of the Govt. of India and posted in the Govt. of NCT of Delhi. The cadre controlling authority of the petitioner is the Ministry of Health and Family Welfare, Govt. of India.

The challenge in the petition is with regard to transfer of the petitioner and the subject matter of the petition would fall within the jurisdiction of the Central Administrative Tribunal.

Learned counsel for the petitioner seeks to withdraw the petition with

liberty to approach the Central Administrative Tribunal. He also states the protection granted by the Court on the last date of hearing be extended to the petitioner till he approaches CAT and pray for interim relief.

Learned counsel for the respondent would state that the order dated 28th April, 2016 in so far as the petitioner is concerned shall not be given effect to till the petitioner file a petition before CAT and matter is heard on the interim relief. Her statement is taken on record.

The petition is dismissed as withdrawn with liberty as prayed for.

Dasti.

CM. NO. 19009/2016

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 29, 2016

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