

\$~12

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

+ W.P.(C) 5681/2016 & CM No. 23509/2016

DAYA CHAND AND ORS

..... Petitioners

Through : Mr. Mohan Kumar, Ms.Rashmi Singh,
Mr.Rohit Pratap, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr. Rajesh Kumar, Ms.Santwana,
Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

%

05.09.2016

Challenge in this writ petition is to the order dated 9th May, 2016, passed by the Central Administrative Tribunal (hereinafter referred to as 'the Tribunal') wherein the Tribunal has declined to stay the order of 26th October, 2015 passed by the respondents in OA No. 838/2016 and the MA No. 1512/2016 was dismissed.

Challenge in the OA No. 2348/2014 was to the Office Memorandums being OM No. 2 (13)/2008-E.II(B) dated 4th March, 2011 and OM No.21 (8)/2010-E.II(B) dated 26th October, 2015. The petitioners are aggrieved by the re-classification of cities and towns and thus the rate of the transport allowance, which was being awarded to them has been refused.

We may notice that the learned Tribunal in the order of 9th May, 2016, has noticed that the recovery has already been stayed but the petitioners pray that the OMs should be stayed.

After some hearing in the matter, learned counsel appearing for the petitioner submits that he does not wish to press the writ petition and seeks leave

of this court to withdraw this petition with liberty to press all the legal grounds urged by him in the writ petition before the Tribunal, at the time of hearing.

Accordingly, in view of above, the writ petition and the application are dismissed as withdrawn.

The stay of recovery would, however continue as has already been directed by the Tribunal.

G.S.SISTANI, J

I.S.MEHTA, J

SEPTEMBER 05, 2016

j