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

+ **W.P.(C) 5139/2016**

AMIT KUMAR GUPTA

..... Petitioner

Through Ms.Neha Gard, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through Mr.Ajay Digpaul, Adv. with Ms.
Manju Khatri, Assistant Director
Education, SDMC, Najafgarh Zone.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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02.06.2016

1. Amit Kumar Gupta has filed this petition against the impugned order dated 13th May, 2016 passed in O.A.No.1692/2016. The impugned order holds that the O.A. was premature as the petitioner has filed the appeal before the statutory authority against the order of dismissal. To that extent, we do not find any error in the order dated 13th May, 2016. Counsel for the petitioner also does not challenge the order to the said effect.

2. The contention of the petitioner is that the Tribunal in the impugned order has not considered the second prayer made in the O.A. No. 1692/2016 which was to the following effect.

“8. Relief(s)

It is, therefore, prayed to this Hon'ble Tribunal may call for the entire record of the applicant from South Delhi Municipal Corporation and

after examine the same be pleased to issue the appropriate order or direction to the respondent:

(i) xxx

(ii) *The respondent may directed to release subsistence allowance of the applicant from the date of his deemed suspension till the final adjudication of the appeal pending before the Hon'ble High Court of Punjab and Haryana at Chandigarh."*

3. We find that there is no discussion on the second prayer in the impugned order dated 13th May, 2016.

4. Counsel for the respondent, who is present along with Ms.Manju Khatri, Asstt. Director Education states that this is factually correct and the respondent has no objection in case with regard to the second prayer, the matter is remitted to the Tribunal for adjudication and decision.

5. In view of the aforesaid, we remit the matter to the Tribunal to consider the second prayer made by the petitioner herein as quoted above. We clarify that we did not express any opinion on whether or not the petitioner is entitled to any relief. To cut short the delay, the parties are directed to appear before the Tribunal on 19th July, 2016, when a date of hearing will be fixed. The writ petition is disposed of.

SANJIV KHANNA, J

NAJMI WAZIRI, J

JUNE 02, 2016

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