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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6311/2016**
B.D. SHARMA

..... Petitioner

Through: Mr.S.K.Tyagi, Advocate.

versus

**THE COMMISSIONER, NORTH DELHI MUNICIPAL
CORPORATION & ORS**

..... Respondents

Through: Ms.Prabhsahay Kaur, Advocate for
R-1 & R-2.
Mr. Kumar Rajesh Singh and
Ms.Punam Singh, Advocates for R-3.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
22.07.2016

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The petitioner is aggrieved by the order dated 20th May, 2016 passed by the Central Administrative Tribunal by which the application filed by the petitioner for early hearing has been rejected by the Tribunal.

Counsel for the petitioner submits that the petitioner had sought interim relief by way of an interim application which application came up for hearing before the Tribunal on 24th April, 2016 when the matter was adjourned for 27th April, 2016. Thereafter, the matter was listed on 4th May, 2016 but the same could not be taken up on account of paucity of time. He submits that thereafter the matter was adjourned to 18th May, 2016 but inadvertently in the order-sheet it was wrongly typed as 15th May, 2016

which was a Sunday. He further submits that when the petitioner approached the Tribunal on 18th May, 2016, he learned that the matter was listed on 16th May, 2016 and has now been adjourned for 23rd November, 2016. Counsel submits that non-appearance of the petitioner on 16th May, 2016 was not intentional but due to a typographical error in the order-sheet. Counsel further submits that the petitioner is being asked to work on a lower post which is highly humiliating for him. He submits that this Court may direct the Tribunal to fix an early date of hearing in the matter.

We have heard learned counsel for the petitioner and perused the order passed by the Tribunal.

We grant leave to the petitioner to make an application before the Tribunal for early hearing only of the stay application as final hearing in the O.A. may take some time. The petitioner will also bring to the notice of the Tribunal that non-appearance of the petitioner on 16th May, 2016 was not on account of any wilful reason or negligence but because of the fact that a wrong date of hearing was noted in the order sheet of the Tribunal.

We have no hesitation in saying that the Tribunal will look into the request of the petitioner sympathetically and at least take up the stay application for hearing at an early date.

With these directions, the writ petition is disposed of.

Dasti to the parties.

G.S.SISTANI, J

I.S.MEHTA, J

JULY 22, 2016/‘dc’