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

Judgment dated: 26th August, 2016

+ W.P.(C) 7545/2016
DHARMVIR SINGH AND ORS

..... Petitioners

Through: Ms.Rekha Palli, Sr. Advocate with
Ms.Punam Singh and
Mr.V.K.Gandhi, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through: Mr.Parvinder Chauhan, Advocate for
R1/North DMC.
Mr.Shlok Chandra and Mr.Utpal
Kant, Advocates for East DMC.
Ms.Mini Pushkarna, Advocate for
SDMC/R-3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S.MEHTA

G.S.SISTANI, J (ORAL)

C.M.No.31051/2016 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7545/2016 and C.M.No.31050/2016 (stay)

1. The petitioners are aggrieved by the orders dated 23rd February, 2016 passed by the Tribunal in O.A.No.4402/2013 and 1st August, 2016 passed in

R.A.No.63/2016 whereby the O.A. and review application respectively filed by the petitioners stand dismissed.

2. Mr.Parvinder Chauhan, Advocate has entered appearance on behalf of respondent No.1/North DMC; Mr.Shlok Chandra and Mr.Utpal Kant, Advocates have entered appearance on behalf of respondent No.4/East DMC and Ms.Mini Pushkarna, Advocate has entered appearance on behalf of respondent No.3/SDMC on advance notice.

3. Learned senior counsel for the petitioners has pointed out to the observations made by the learned Tribunal in the impugned order wherein it has been observed that the O.A. is premature on account of the fact that the representations made by the petitioners/applicants herein are still pending. The Tribunal was also of the view that the OA is premature also for the reason that the circular in question is only a direction to the field level officers to examine each and every case. Learned senior counsel for the petitioners submits that in case the Tribunal had reached such a conclusion then no findings on merits should have been given. Ms.Palli submits that in view of the observations made by the Tribunal on merit, the petitioners cannot expect a favourable consideration of the representation by the respondents who are bound to be influenced by the order of the CAT.

4. We find force in the submission made by Ms.Rekha Palli, learned senior counsel appearing for the petitioners. Without expressing any opinion on the merits of the matter, we dispose of this writ petition with the following directions:-

- (i) The impugned orders as far as they relate to the deciding the matter on merits are hereby set aside/quashed.
- (ii) The respondents are directed to decide the representations of

the petitioners, which are stated to be still pending.

- (iii) The petitioners are granted an opportunity to file additional representations within one week from today. The respondents shall consider the representations as also the additional representations to be filed by the petitioners within eight weeks thereafter and pass a reasoned order thereon.
- (iv) In case the representations are decided against the petitioners, no recovery will take place for the period of four weeks after serving the rejection order on the petitioners to enable the petitioners to take recourse to such remedies as may be available to them in law. The rights of all parties are kept open. We make it clear that we have not tested the orders on merits in view of the fact that the representations filed by the petitioners are pending.

5. As prayed, the writ petition and all applications are disposed of.

Dasti to the parties.

G.S.SISTANI, J

I.S.MEHTA, J

AUGUST 26, 2016
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