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

+ W.P.(C) 10756/2016

GOVERNMENT OF NCT OF DELHI & ORS Petitioner
Through Mr. Santosh Kumar Tripathi,
Additional Standing Counsel with Mr. Manoj
Kumar, Lower Division Clerk, Fire Department.

versus

PARDEEP KUMAR & ANR Respondent
Through

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **15.11.2016**

We are not inclined to interfere with the impugned order dated 2nd November, 2016 passed in CP No.100/546/2016 arising out of OA No. 100/3131/2016 on the ground of lapses and mistakes made by the petitioners, without expressing any opinion on merits. The writ petition in fact is rendered infructuous.

2. The respondent Pradeep Kumar had preferred an OA challenging the order dated 29th June, 2016, by which he was refused permission to pursue Bio Technology and Industrial Safety Management Course. The respondent claimed parity and had pleaded

discrimination relying on other cases.

3. The OA had come up for hearing on 24th October, 2016 and noticing the urgency as set up by the respondent, an interim order was passed, directing the petitioners to issue provisional 'No Objection Certificate' to the respondent forthwith as was done in the case of one Manoj Kumar, at the respondent's risk and responsibility.

4. The petitioners herein did not file any application setting out reasons and grounds for modification or recall the ex-parte order dated 24th October, 2016, passed by the Principal Bench of the Central Administrative Tribunal. There was also non-compliance. In these circumstances, the respondent had filed CP No.100/546/2016 and directions were issued to the petitioners to comply with the order dated 24th October, 2016 in letter and spirit immediately, failing which, it was directed that the officer of the petitioners would be present in the Tribunal on 3rd November, 2016 to explain his conduct.

5. The present writ petition impugning this order was filed on 8th November, 2016, after the petitioners had already issued a provisional 'No Objection Certificate' to the respondent. To this extent, therefore, the writ petition itself is rendered infructuous as a provisional 'No

Objection Certificate' had been issued.

6. The writ petition is accordingly disposed of as infructuous, without making any observation or recording any finding on merits. We record that the petitioners in the writ petition have stated that the averments made in the OA are factually incorrect. These contentions and issues can be raised by the petitioner before the Tribunal.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

NOVEMBER 15, 2016
NA