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

+ W.P.(C) 12099/2016

DELHI TRANSPORT CORPORATION Petitioner
Through Mr. Manish Kumar, Advocate.

versus

SURESH KUMAR Respondent
Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **23.12.2016**

The petitioner-Delhi Transport Corporation is disputing and challenging the payment of salary to the respondent for the period 1st July, 2013 to 8th October, 2013. During this period, the respondent-Suresh Kumar was on medical leave pursuant to the directions given by the medical board.

Suresh Kumar was appointed as a Driver in the year 1985 and on completion of 55 years of age had appeared before the medical board, who had declared him fit. Accordingly, he was granted extension for a period of one year. The next medical board had vide letter dated 26th June, 2013 advised him three months' rest with effect from 1st July, 2013. In spite of the respondent's repeated requests, he

was not taken back on duty. This had promoted the respondent to file OA No. 3236/2013. After filing of the OA, the petitioner had taken the respondent on duty with effect from 9th October, 2013. The impugned order dated 14th July, 2016, disposing of this OA and directs payment of wages/salary between 1st July, 2013 to 8th October, 2013.

Looking at the quantum of money involved as also the nature of relief which has been granted by the Tribunal, we do not think that the matter requires interference in exercise of discretionary power under Articles 226 and 227 of the Constitution. Accordingly, the writ petition is dismissed.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

DECEMBER 23, 2016

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