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

+ W.P.(C) 8083/2015
JAI PAL

..... Petitioner

Through: Mr. Rishi Kapoor, Advocate with
Mr. Ashish Pandey, Advocate

versus

UOI AND ORS

..... Respondents

Through: Mr. Akshay Makhija, Advocate with
Mr. Akshat Kumar, Ms. Mahima Bahl and
Mr. Sumant Bhushan, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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04.05.2016

1. The present petition has been filed by the petitioner praying *inter alia* for issuing a writ of certiorari, for quashing the order dated 26.05.2014, passed by the respondents/CISF, seeking to implement an order dated 17.02.2014, passed by the Supreme Court in Civil Appeal No.31137/2011. The second relief prayed for by the petitioner is for directions to the respondents to grant him all the benefits of continuity of service, financial upgradation under the ACP/MACP schemes at par with his juniors, in terms of the order of the Supreme Court.

2. On 24.02.2016, it was inquired from the counsel for the petitioner as to how would the present petition be maintainable when the petitioner is only seeking implementation of the judgment dated 17.02.2014, passed by

the Supreme Court and why had he not approached the Supreme Court directly for seeking directions to the respondents. In response, the proxy counsel appearing for the counsel for the petitioner had sought an adjournment to obtain instructions.

3. Today, counsel for the petitioner submits that the present petition is based on a fresh cause of action inasmuch as the impugned order dated 26.05.2014 was issued by the respondents subsequently.

4. The aforesaid submission is found to be untenable for the simple reason that the order dated 26.05.2014 itself states that it has been issued for implementation of the order dated 17.02.2014 passed by the Supreme Court in Civil Appeal No.31137/2011. If it is the case of the petitioner that the respondents have failed to implement or improperly implemented the directions issued in the captioned appeal, then it is for him to approach the Supreme Court with the said grievance. However, a fresh petition for seeking the said relief and that too before the High Court, is not the remedy.

5. The petition is accordingly disposed of with liberty granted to the petitioner to approach the Supreme Court for seeking appropriate orders for implementation of its order dated 17.2.2014 in the captioned appeal.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 04, 2016

rkb/ap