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

+ W.P.(C) 10762/2015

AJAY KUMAR YADAV

..... Petitioner

Represented by: Mr.Satyam Pandey, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Represented by: Ms.Suparna Srivastava, Advocate
with Mr.Manu Dev Sharma,
Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **13.07.2016**

1. Neither is State of Uttar Pradesh in the Public Works Department whereof petitioner is currently working impleaded as a party nor are there proper averments in the writ petition and lest it suffers a dismissal on a technical ground counsel seeks leave to withdraw the writ petition with right of the petitioner reserved to file a fresh petition on the same cause of action but after making actionable averments and impleading State of Uttar Pradesh through its Public Works Department as a respondent for the reason any pay refixation for the period when the petitioner was working with BRO would impact the State of Uttar Pradesh since the principle of pay protection would be applicable.

2. We note that the petitioner was an employee of Border Roads Organization. Selected as a Junior Engineer by the State of Uttar Pradesh he

submitted a technical resignation which was accepted by BRO and thereafter he joined service in the State of Uttar Pradesh in its Public Works Department.

3. Granting liberty as prayed for the writ petition is dismissed.
4. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 13, 2016

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