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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 20/2016, CM Nos.59-60/2016
TILAK RAJ

..... Petitioner

Through: Mr. Varun Sharma, Adv.

versus

BUREAU OF INDIAN STANDARDS & ANR

..... Respondent

Through: Mr. B.K. Sood, Adv. with
Mr.S.Rawat, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **05.01.2016**

CM No.60/2016

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 20/2016

1. This is a petition filed by the petitioner challenging the orders dated November 13, 2015 and December 4, 2015. The order dated November 13, 2015 is the order of transfer, transferring the petitioner from Rajkot to Delhi.
2. It is noted that the petitioner had challenged the said order before this Court in W.P.(C) 11007/2015, which was disposed of by this Court vide its order dated November 27, 2015, wherein this Court, inter alia, directed the

respondents to treat the writ petition as a representation and to decide the same, within a period of one week. The order dated December 4, 2015 is a decision on the representation, as directed to be decided by this Court.

3. During the submissions, learned counsel for the petitioner has drawn my attention to a communication dated November 16, 2015 of the Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, Government of India, wherein the Department has cancelled the order of transfer dated November 13, 2015 effected by the respondents. It is his submission that in view of the communication dated November 16, 2015 of the Department of Consumer Affairs, the transfer order does not survive. He concedes to the fact that the said communication was not in the knowledge of the petitioner when he had filed the writ petition No.11007/2015. He also concedes that as the petitioner was not in the knowledge of cancellation, the same was not urged in the earlier writ petition and not considered by the respondents in the order dated December 4, 2015. He seeks to withdraw the present writ petition, to enable him to approach the Competent Authority with that aspect only that is, the aspect of cancellation of the transfer order dated November 13, 2015 so as to enable the Competent Authority decide the issue, whether the transfer of the

petitioner from Rajkot to Delhi is still valid in view of the directives of the Department of Consumer Affairs, Government of India.

4. With the limited liberty as above, the petition is dismissed as withdrawn. The petitioner shall make a representation within one week from today. On receipt of the same, the respondents shall dispose of the representation within a week thereafter positively. Since this Court has directed the disposal of the representation, the petitioner would be within his right to apply for appropriate leave till the date the respondents decide the representation, to be given by the petitioner in terms of this order. On receipt of such a request, the same shall be considered favourably, if the rules permit.

5. Dasti under the signatures of the Court Master to both the parties.

CM No.59/2016

In view of the order passed in the writ petition, the present application is dismissed as withdrawn.

V. KAMESWAR RAO, J

JANUARY 05, 2016/akb