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

+ **W.P.(C) 3877/2017**

ASHOK GOLAS

..... Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Barkha Babbar & Ms. Dipanjali Tyagi, Advocates for the respondents No.1 & 2/ UOI.

Mr. Rajnish Prasad, Advocate for respondent No.3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

24.05.2017

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On the last date, when the writ petition was taken up, this Court had passed the following order:

“ The submission of the petitioner who appears in person is that while disposing of the O.A. 3975/2011 vide the impugned order dated 05.08.2014, the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) has directed the petitioner to make a representation to respondent nos. 1 and 2 and also directed that the said representation will be decided on its own merit. The petitioner submits that the Tribunal has observed certain findings in paras 7, 8 and 9 of the impugned

order which would come in the way of fair decision on his representation. He further submits that in the review order dated 03.12.2015, the original order has been modified only to the extent that the observation made in para 9 of the first order shall not be taken into consideration while deciding the petitioner's representation.

Issue notice. Learned counsel for the respondents accepts notice.

The respondents shall take limited instructions as to whether they are agreeable to consideration of the representation of the petitioner de hors the observations made in paras 7 and 8 of the impugned order dated 05.08.2014 apart from the observations made in para 9 of the said order.

Let instructions in this regard be reported on the next date.

List on 24.05.2017."

In terms of the last order, Ms. Babbar today submits that she has received instructions that while deciding the representation of the petitioner the observations made in paragraphs 7, 8 & 9 of the impugned order dated 05.08.2014 shall not be considered.

Learned counsel for the respondent No.3 today submits that, in fact, the representation of the petitioner had been disposed of on 03.01.2017 by the Ministry of Communications, Department of Telecom, Government of India and this fact was also recorded before the Tribunal in the contempt proceedings initiated by the petitioner, i.e. CP No.569/2016 on 05.01.2017.

Learned counsel for the respondent No.3 further points out that the present writ petition was filed by the petitioner in February 2017, by when the representation of the petitioner had been rejected and he was also aware of the said rejection. However, this fact has not been disclosed in the writ petition and was also not disclosed to the Court when the order dated

08.05.2017 was passed by this Court. In fact, it was represented that the representation had still not been decided, and on that premise, the order dated 08.05.2017 came to be passed.

We deprecate this practice on the part of the petitioner. We refrain from taking any action on account of the fact that he appears in person.

The petition has become infructuous. It is dismissed as such. It shall be open to the petitioner to take appropriate steps in respect of the order dated 03.01.2017 as may be available to him.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 24, 2017
B.S. Rohella