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

+ W.P.(C) 10073/2009

AMIT SEHGAL

..... Petitioner

Through: Mr. B.K. Berera, Advocate

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Varun Nischal, Advocate with

Ms. Pushpinder Kaur, DOE, Zone-08 in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE R.K. GAUBA

ORDER

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11.10.2017

CM APPL. 35876/2017 (by the petitioner for withdrawal of the petition)

1. The present application has been filed by the petitioner praying *inter alia* for permission to withdraw the writ petition with liberty to challenge the decision of the respondents of declining to grant him seniority.

2. Learned counsel for the petitioner states that vide order dated 31.10.2012 passed by the respondent during the pendency of the present petition, the petitioner was intimated that the period declared as *Dies Non* has been regularised by granting him EOL on medical grounds. He states that the grievance of the petitioner with regard to grant of seniority still survives.

3. Counsel for the respondents, who appears on advance copy, states that the order in question was issued on 31.10.2012 and it was for the petitioner to have sought his remedies, if aggrieved, within a reasonable time reckoned therefrom. He, therefore, opposes the prayer of the petitioner for grant of leave to assail the decision of the respondent declining to grant him seniority.

4. It is deemed appropriate to allow the present application and dispose of the petition. If the petitioner challenges the action of the respondents in declining to grant him seniority, by counting the period of Dies Non, the respondents shall be at liberty to take an objection with regard to limitation, before the concerned court.

5. The petition is disposed of alongwith the pending application. File be consigned to the record room.

HIMA KOHLI, J

R.K. GAUBA, J

OCTOBER 11, 2017

rkb/ap