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

+ **W.P.(C) 8517/2016 and C.M. Appl. No. 35107/2016 (for stay)**

G P KUMAWAT

..... Petitioner

Through: Mr. M.C. Dhingra and Mr. Piyush
Kant Roy, Advocates.

versus

INDRA PRASTHA POWER GENERATION
COMPANY LTD AND ORS

..... Respondents

Through: Mr. Vinay Sabharwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **12.01.2017**

1. This writ petition is filed by the petitioner seeking quashing of the order of suspension dated 4.5.2016 and also for quashing of extension order dated 1.8.2016. The writ petition essentially relied upon the ratio of the judgment of the Supreme Court in the case of *Ajay Kumar Choudhary Vs. Union of India Through its Secretary and Another (2015) 7 SCC 291*.

2. Learned counsel for the petitioner argues that by inadvertence petitioner could not take benefit of the ratio of the judgment of the Supreme Court in the case of *State of Orissa Vs. Bimal Kumar Mohanty (1994) 4 SCC 126* because petitioner is entitled to benefit of the ratio of this judgment not only for the original suspension order

not having been validly passed, and in any case definitely not for continuation thereof after the investigation is complete.

3. Counsel for the petitioner states that since by inadvertence the necessary pleadings and prayer clauses do not exist in this writ petition in terms of the ratio of the judgment of the Supreme Court in the case of ***Bimal Kumar Mohanty (supra)***, liberty be granted to the petitioner to withdraw this writ petition so as to file a fresh writ petition not only on the facts, causes of action and reliefs as stated in the present writ petition but also for pleading additional facts, grounds and reliefs in terms of the ratio of the judgment of the Supreme Court in the case of ***Bimal Kumar Mohanty (supra)***.

4. The present writ petition is dismissed as withdrawn subject to the aforesaid liberty to file a fresh writ petition in terms of the aforesaid observations.

VALMIKI J. MEHTA, J

JANUARY 12, 2017

JK