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

+ W.P.(C) 4783/2017 and CM No. 20723/2017

DELHI ADMINISTRATION DOCTORS WELFARE ASSOCIATION  
THROUGH ITS TREASURER DR B K DEY AND ORS

..... Petitioner

Through: Mr Sagar Saxena, Adv.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr Amit Mahajan and Mr M. Dogra, Adv for  
respondents 1 to 3

Mr Sanjoy Ghose and Mr Rhishabh Jetley, Adv for  
GNCTD for respondent Nos.4 to 7

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**

% **30.05.2017**

**CM APPL. 20724/2017 (exemption)**

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

**W.P.(C) 4783/2017**

Issue notice. Mr Amit Mahajan, Advocate accepts notice on behalf of respondent Nos.1 to 3 and Mr Sanjoy Ghose, Advocate accepts notice on behalf of respondent Nos. 4 to 7.

The petitioners have preferred the present writ petition to assail the order dated 08.02.2017 passed by the Central Administrative Tribunal ("the Tribunal"), passed in O.A./100/212/2017. The Tribunal by the impugned order has refused to grant interim relief to the petitioners in their Original Application. The impugned order reads as follow:-

*"Heard both sides on the point of interim relief and we do not find any merit at this stage to grant interim relief. Hence, for filing reply, list the matter before the Principal Registrar's Court for*

*completion of pleadings on 21.04.2017.”*

The petitioners had preferred the aforesaid Original Application to assail the decision taken by the Government to withdraw the transport allowance which they have been availing for the last about eight years. The withdrawal of the said transport allowance was premised on an earlier order of the Tribunal passed in Original Application No.4062/2013 which decision was held by this Court in W.P.(C) No. 3445/2014, decided on 03.09.2014.

The petitioners by way of interim relief sought stay of operation of the letters/orders dated 19.08.2016, 09.09.2016 and 05.01.2017, whereby the transport allowance was sought to be withdrawn. The Tribunal was justified in not staying the operation of the aforesaid letters during pendency of the Original Application as, to do so, would tantamount to granting the final relief in the Original Application at the interim stage. However, the petitioners also sought a direction against the respondents not to initiate recovery proceedings to recover the amount paid towards transport allowance, in the past. Learned counsel for the petitioners submits that the petitioners are pressing for only the said relief during pendency of the Original Application. Learned counsel for the respondents do not, and cannot, justifiably oppose the grant of the said interim relief. Since the issue is still pending before the Tribunal, the recovery at this stage would not be justified.

Accordingly, we dispose of the writ petition by directing that the recovery of the amounts already disbursed to the petitioners towards the transport allowance shall remain stayed, till the pendency of the Original Application.

The petition stands disposed of in above terms. *Dasti*

**VIPIN SANGHI, J**

**DEEPA SHARMA, J**

**MAY 30, 2017/bg**