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

+ **W.P.(C) 5202/2017**

PRATAP SINGH DABAS & ORS

..... Petitioners

Through: Mr. Ravi Sikri, Senior Advocate with
Mr. Sanjiv Joshi, Advocate

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Ms. Anita Tomar for Mr. Anand
Yadav, Advocate for R-2
Ms. Shruti Munjal with Mr. Ankur
Chhibber, Advocate for R-1 & 3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **31.07.2017**

1. The petitioners seeks quashing of a letter dated 13.12.2016 issued by the respondent no.3/RCS rejecting their claim for grant of delayed/pending salaries by the Delhi Society of Co-operative Bank Limited.
2. Learned counsel for the respondent nos. 1 and 3 who appears on advance notice challenges the maintainability of the present petition on the ground that disputed questions of facts have been raised in the present petition which cannot be a subject matter of adjudication in a writ petition.
3. Mr. Ravi Sikri, learned Senior counsel appearing for the petitioners concedes that there have been a series of litigations between the parties harping back to the year 1985, when the

petitioners had approached the High Court by filing a writ petition, registered WP(C) No. 1510/1985, seeking quashing of an order dated 31.06.1985 by which the services were terminated.

4. Aggrieved by the judgment Dated 01.06.2006, pronounced in the aforesaid petition, the petitioners filed an intra Court appeal registered as LPA No. 1966-69/2006. The said appeals were dismissed vide judgment dated 31.08.2015 and the findings of the learned Single Judge including the observations made by him in paras 29-30 of the judgment dated 01.06.2006 were affirmed.

5. The petitioners had preferred a review petition before the Division Bench seeking review of the judgment dated 31.08.2015 which was dismissed vide order dated 07.12.2015, but with a clarification to the effect that the learned Single Judge had reserved the right of the petitioners to the extent that they served the bank for the period after 31.05.1985 for them to assert it and claim relief in appropriate proceedings.

6. It is submitted that thereafter the petitioners had submitted a representation dated 11.07.2016 to the respondents no. 2 and 3 for release of their pending salaries which has been turned down by the impugned order dated 13.12.2016.

7. We are of the opinion that the disputed question of facts raised in the present petitions are beyond the scope of judicial review. At this stage, learned counsel for the petitioner states on instructions that he may be permitted to withdraw the present petition while reserving right of the petitioner to seek legal recourse against the respondents, as may be available to them.

8. The petition is dismissed as withdrawn with liberty granted, as prayed for.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 31, 2017/P