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

+ **W.P.(C) 5040/2017**

**BADRI PRASAD AND ORS**

..... Petitioners

Through: **Mr. Mahesh Srivastava and Mr.  
Vaibhav Manu Srivastava, Adv.**

versus

**UNION OF INDIA AND ORS**

..... Respondents

Through: **Ms. Sangita Rai and Mr. Pradeep  
Tomar, Adv. for R1 to R3.  
Mr. Archit Sharma, Mr. Tarveen  
Singh Nanda, Adv. for R4 with  
Mr. Sunil Kumar, Assistant / Office  
Superintendent.**

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**31.05.2017**

**CM No. 21686/2017(for exemption)**

Exemption allowed subject to all just exceptions.

Application stands disposed of.

**W.P.(C) 5040/2017, CM No. 21685/2017**

The present petition has been filed by the petitioners with the following prayers:

*“It is therefore prayed that this Hon’ble Court may kindly be pleased to issue:*

*a. An appropriate writ or writs, order / orders, direction / directing the respondents to permit the petitioners to apply for the post of Safaiwala in terms of the advertisement dated 27.03.2017 and further direct the respondent to consider the Petitioners*

*considering length of service and experience gained by them during the such long service in the interest of justice.*

*b. Pass such other or further orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case. "*

Learned counsel for the respondent no.4 states that petitioners cannot be considered for engagement as Safaiwala against the advertisement issued on 27<sup>th</sup> March, 2017 inasmuch as the petitioners who have been engaged through a Contractor are over-aged as the upper age limit is 25 years.

On the other hand, Mr. Mahesh Srivastava, learned counsel appearing for the petitioners states that respondent no.4 cannot take such a stand as the duties performed by the petitioners is of perennial nature.

Suffice to state such a stand can be urged by the petitioners before appropriate Tribunal, i.e., Industrial Tribunal.

In view of the above statement, Mr. Srivastava, does not press the present petition and wishes to withdraw the petition.

The petition and the connected application are dismissed as withdrawn.

**V. KAMESWAR RAO, J**

**MAY 31, 2017/jg**