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

+ **W.P.(C) 5331/2017**

RAJNI PARMAR

..... Petitioner

Through: Mr. M. K. Bhardwaj, Adv.
versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Rajesh Kumar, Adv. with
Lt. Col. Jamlal Guite, AFTC

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **19.06.2017**

1. The petitioner by the present petition seeks quashing and setting aside order dated 15th May, 2017 and 30th May, 2017 passed by the Central Administrative Tribunal in OA No.1695/2017.
2. The petitioner was employed as Junior Translator and posted to Armed Forces Transfusion Centre, Delhi Cantt. On 12th May, 2017, the petitioner was issued a movement order directing the petitioner to leave the unit on 12th May, 2017 itself. The petitioner was informed that the petitioner would be struck off the strength with effect from 13th May, 2017 (F/N).
3. The petitioner impugned the movement order by filing the above referred OA. The OA was listed on 15th May, 2017. Notice was issued to the respondents returnable on 30th May, 2017. On 30th May, 2017 the case was simplicitor adjourned to 12th July, 2017 on

the request of learned counsel for the respondents for filing reply.

4. Learned counsel for the petitioner submits that the Central Administrative Tribunal should have taken up the application for grant of interim prayer as the movement order states that the petitioner would be struck off the strength from 13th May, 2017.

5. Learned counsel for the petitioner submits that no time for joining was given to the petitioner and petitioner was struck off the strength the very same day. It is contended that by simplicitor adjournment the Central Administrative Tribunal has rendered the application of the petitioner infructuous.

6. Reliance is placed on judgment of Coordinate Bench of this Court dated 25th October, 2013 in WP (C) 6712/2013 titled as '*Janardan Kumhar vs. Union of India & Ors.*' wherein in similar circumstances this Court had noted that "law does not contemplate a person to lose by default by a Court".

7. In view of the above, we dispose of the Writ Petition by directing that till the Tribunal decides the issue of interim relief, the operation of movement order dated 12th May, 2017 shall remain stayed.

8. Central Administrative Tribunal is requested to take up the original application or at least the prayer for interim relief and disposed of the same on the next date of hearing i.e. 12th July, 2017 fixed before it.

9. It is clarified that this Court has neither examined nor commented on merit of the case and the Tribunal is free to decide the matter in accordance with law, without being influenced by anything

stated herein.

10. Writ Petition stands disposed of alongwith applications.
11. *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J
(VACATION JUDGE)

A. K. CHAWLA, J
(VACATION JUDGE)

JUNE 19, 2017
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