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

+ W.P.(C) 8232/2017 and C.M. No. 33848/17

UNION OF INDIA

..... Petitioner

Through: Mr. Rajeev Sharma, Ms. Radha
Lakshmi R. and Mr. Rajat Krishna,
Advocates.

versus

JAGDISH PRASAD AND ANR.

..... Respondents

Through: Mr. Shanker Raju and
Mr. Nilansh Gaur, Advocates for R1.
Mr. M.K. Bhardwaj, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE A.K. CHAWLA

ORDER

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15.09.2017

1. The present petition has been filed by the petitioner assailing an order dated 14.02.2017 passed by the Central Administrative Tribunal in O.A. No.494 of 2017 filed by the respondent No.1 whereunder, operation of the impugned Memorandum dated 19.07.2016, issued by the petitioner/UOI was stayed qua the respondent No.1 and he was permitted to continue discharging his duties at the office held by him, including exercising administrative powers even after the attaining the age of 62 years.
2. Mr. Sharma learned counsel for the petitioner submits that aggrieved by the aforesaid order, the respondent No.2 had filed a writ petition in this court registered as W.P. (C) No.5043/2017, which was disposed of by the

Division Bench vide order dated 31.5.2017, directing that the pending application for stay filed by UOI shall be taken up by the Tribunal on the date already fixed i.e., 20.07.2017. When the parties appeared before the Tribunal on 20.7.2017, the Tribunal observed that keeping in view the nature of the controversy involved, it would rather to dispose of the main petition.

3. The grievance of the petitioner/UOI is that thereafter, several dates were fixed by the Tribunal for arguments but for one reason or the other, the respondent No.1 has been seeking adjournments. As a result, arguments in the matter have now got deferred to 20.09.2017. The anxiety of the petitioner is that the respondent No.1 may once again seek an adjournment before the Tribunal on the date fixed, thus delaying the matter further.

4. Mr. Sikri, learned Senior Advocate for the respondent No.2 states that respondent no.2 is directly affected by the continuation of the stay order inasmuch as his client was to take over the charge of Director General Health Services, on the respondent no.1 attaining the age of 62 years, on 14.02.2017. He submits that the respondent No.2 shall attain the age of 62 years on 31.12.2018 and any further delay in the adjudication of the pending petition will be entirely to his detriment.

5. Mr. Shanker Raju, learned counsel for the respondent No.1 assures us that no adjournment shall be sought on the date already fixed before the Tribunal or even thereafter till the arguments conclude.

6. In view of the aforesaid submission, the present petition is disposed of with a request to the Tribunal to take up the main petition for arguments on the date fixed, i.e., 20.9.2017 and not accommodate either side for an adjournment, so that judgment can be pronounced as expeditiously as is

possible.

7. The petition is disposed of along with the pending application.

HIMA KOHLI, J

A.K. CHAWLA, J

SEPTEMBER 15, 2017

ap/rkb

