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

+ W.P.(C) 731/2018

MESCO AEROSPACE LTD

..... Petitioner

Through: Mr Pavan Narang and Ms Arushi
Anthwal, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms Anjana Gosain, Ms Rabiya Singh
Thakur and Ms Shalini Nair,
Advocates for R-1.
Mr Digvijay Rai and Mr Pulkit Tyagi,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **31.01.2018**

CM No. 3105/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 731/2018 and CM No. 3104/2018

3. The only question that remains to be considered is with regard to the petitioner's prayer for directing appointment of members/chairperson of the Airport Appellate Tribunal.
4. Ms Anjana Gosain, the learned counsel appearing for the respondents states that the post of Chairperson of the Airport Appellate Tribunal is lying vacant since 15.06.2016. She states that although the vacancy was advertised on 13.11.2015 and the selection process was completed, the selected candidates were unwilling to join the post due to their personal reasons.

5. The vacancy was again circulated on 07.10.2016. However, the selection process was put on hold as the proposal of merger of Airport Appellate Tribunal and National Highway Tribunal was under consideration.

6. She states that the vacancy was re-circulated on 07.08.2017 and nominations have been called and the process is currently underway. The aforesaid narration clearly brings into focus the flaw in the process of fulfilling the vacancies. Clearly the process to fill up the vacancy should be begun sufficiently in advance so that by the time the tenure of the Member/Chairperson of any tribunal is over, selection process for filling up the vacancy is already completed.

7. Since the process for filling up the vacancy is already underway, this Court does not consider it apposite to pass any further directions. It is further expected that the process would be completed as expeditiously as possible.

8. The petition and the application are disposed of with the aforesaid observations.

9. Order *dasti*.

VIBHU BAKHRU, J

JANUARY 31, 2018
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