

\$~18

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

+ **W.P.(C) 1153/2018**

S.K. CHAUDHARY

..... Petitioner

Through: Mr. J.P. Sengh, Senior Advocate with
Ms. Arunima Dwivedi and Ms. Preeti Kumra,
Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mrs. Bharathi Raju, CGSC for R-1.
Mr. K.P. Mavi and Mr. Vijay Kumar, Advocate
for R-2.

Mr. Vidya Sagar and Mr. Mayank Kapoor
Advocate for R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.10.2018**

**W.P.(C) 1153/2018, CM APPL. 4835/2018 (stay), CM APPL. 21360/2018
(by the petitioner for placing on record the additional documents) and
C.M. No. 40712/2018 (by the petitioner under Section 151 CPC for
seeking stay of operation of the order dated 24.9.2018)**

1. C.M. No. 40712/2018 has been filed by the petitioner for seeking stay of the operation of the order dated 24.9.2018, passed by the respondent No.3/National Sugar Institute, compulsorily retiring him from service on 20.9.2018.

2. Mr. J.P. Sengh, learned Senior Advocate states in all fairness that in view of the order dated 20.9.2018 passed by UOI recently, retiring the petitioner with effect from 20.9.2018 on his attaining the age of 50 years and the order dated 24.9.2018, passed by the respondent No.3/NSI, taking note

of the order dated 20.9.2018 issued by the UOI and releasing his pay and allowance for a period of 3 months, a fresh cause of action has arisen for which he shall have to take an independent legal recourse. He however states that the petitioner had reported to his parent department on 16.2.2018, in terms of the order dated 09.2.2018, passed in the present proceedings but the respondent No.3/NSI has not released his wages etc. for the period between February to May, 2018.

3. Learned counsel for the respondent No.3/NSI states that in the event the salary of the petitioner has not been released after he had reported to his parent department in February, 2018, the same shall be released within four weeks from today, in accordance with law.

4. Leave, as prayed for, is granted. The present petition is disposed of with a caveat that in the event the petitioner gets any relief against the order dated 20.9.2018 and 24.9.2018, passed by the respondents compulsorily retiring him, he shall be at liberty to file an application in the present proceedings for seeking revival of the writ petition.

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

6. Since the main petition has been disposed of, the date fixed in C.M. APPL. 21360/2018, i.e., 22.10.2018, stands cancelled.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 01, 2018

ap
W.P.(C) 1153/2018

Page 2 of 2