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

+ W.P.(C) 5050/2018 with CM Nos.19415-17/2018

BASANT KUMAR

..... Petitioner

Through: Mr.Sanjeev Kumar, Advocate

versus

INDIAN COUNCIL OF AGRICULTURAL

RESEARCH THROUGH: SECRETARY

..... Respondent

Through: Mr.S.R.Mathur & Mr.Gagan Mathur,
Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **11.05.2018**

1. This petition has been filed by the petitioner challenging an order dated 19.12.2017 passed by the Tribunal disposing of an application filed by him praying *inter alia* for rejection of the reply filed by the respondent, Indian Council of Agricultural Research in response to OA No.3355/2015.

2. Vide order dated 19.12.2017, the Tribunal has disposed of a miscellaneous application filed by the petitioner (MA No.3928/2017), while recording that a counter affidavit had been filed by the respondent as long back as on 22.07.2016 and the rejoinder stated to have been filed by the petitioner on 23.11.2017, was not on record. The Registry was directed to trace the said rejoinder and place it on record and also directed that an inquiry be conducted as to why the same was not placed on record. Further, taking note of the fact that pleadings in the OA were already complete, the application filed by the petitioner for rejection of the respondent's counter affidavit was turned down.

3. Learned counsel for the petitioner contends that the Tribunal has erred in rejecting the miscellaneous application filed by the petitioner as the Registrar of the Tribunal is not empowered to extend the time/condone the delay on the part of the respondent in filing the counter affidavit.
4. We may note that in the order dated 17.03.2016, the Deputy Registrar had noted that the written statement of the respondent was awaited and at the request of the counsel for the respondent, the prayer for extension of time to file the written statement was acceded to. Further, the petitioner was granted two weeks time to file a rejoinder thereafter. On 13.07.2016, noting that the written statement was still awaited, further period of one week was granted by the Joint Registrar to the respondent to file the written statement.
5. Apart from the aforesaid orders, in the order dated 19.12.2017 the Tribunal had itself taken note of the fact that pleadings in the OA stood completed. In this background, the miscellaneous application filed by the petitioner for taking the counter affidavit of the respondent off the record, was rejected.
6. There is no justification for entertaining the present petition particularly when pleadings in the O.A. are complete and the matter is ripe for arguments and the next date fixed before the Tribunal is 12.07.2018.
7. The petition is dismissed as meritless.

HIMA KOHLI, J.

VINOD GOEL, J.

MAY 11, 2018

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