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

+ W.P.(C) 5178/2018 with CM Nos.20096-97/2018

DEBASISH MOHANTY & ORS Petitioners

Through: Dr.Surat Singh, Advocate

versus

UNION OF INDIA & ORS Respondents

Through: Mr.Arun Bhardwaj, CGSC with
Mr.Piyush Gaur, G.P. & Mr.Nikhil
Bhardwaj, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.05.2018

1. The petitioner has filed the present petition aggrieved by the order dated 27.02.2018, passed by the Central Administrative Tribunal, dismissing O.A. No.928/2018, for the following reason:-

“4. The prayer in the OA is in the nature of Public Interest Litigation, which is not maintainable before this Tribunal. [Dr.Duryodhan Sahu vs. Jiendra Kumar Mishra & Anrs. (1998) 7 SCC 273; Hari Bansh Lal vs. Sahodar Prasad Mahto (2010) 9 SCC 655].

2. The captioned O.A. was filed by the petitioners questioning the eviction notice dated 11.01.2018, issued by the respondent calling upon them to vacate the public premises that was originally allotted to them by the respondent No.3. The prayer made in the O.A. was for taking appropriate action against *“delinquent senior officers for committing alleged irregularities in selection process”*.

3. Learned counsel for the petitioners states that the petitioners have vacated the Government accommodations allotted to them even before they had filed the O.A. before the Tribunal.
4. It is pertinent to note that prior to filing the captioned O.A., the petitioners have unsuccessfully challenged their termination orders dated 03.05.2012 passed by the respondents, right up to the Supreme Court.
5. Dr.Surat Singh, learned counsel for the petitioners states that the petitioners have filed a review application before the Supreme Court which is pending consideration. He states that as a matter of fact the petitioners had filed the present petition as a Public Interest Petition which ought to have been placed by the Registry before the roster Bench.
6. In our opinion, in view of the manner in which the present petition has been drafted, there is no question of it being treated as a PIL. None of the requirements stipulated for filing a PIL have been fulfilled by the petitioners. Moreover, the prayer made in the present petition is specifically directed against the order dated 27.02.2018, passed by the Tribunal.
7. At this stage, learned counsel for the petitioners seeks leave to withdraw the present petition, while reserving the right of the petitioners to file an appropriate petition in the nature of a PIL.
8. The petition is dismissed as withdrawn, granting the liberty as prayed for. We have not made any observations on the maintainability of such a petition, which aspect is left open to be decided by the concerned court, in accordance with law.

HIMA KOHLI, J.

PRATIBHA RANI, J.