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

+ W.P.(C) 5689/2018

AJAY MOHAN SHARMA Petitioner

Through: Mr. Ajit Sharma, Advocate with
Mr. Mayank Aggarwal, Advocate.

versus

UNION OF INDIA & ANR Respondents

Through: Ms. Shiva Lakshmi, CGSC with
Mr. Brajesh Kumar, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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24.05.2018

CM APPL. 22132/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5689/2018 and CM APPL. 22131/2018 (for maintainability of the petition)

1. The petitioner seeks directions to the respondents/Union of India to re-determine his seniority in terms of amended Rule 3(3)(ii) of the Indian Police Service (Regulation of Seniority) Regulations Act. In the alternative, the petitioner seeks directions to the Central Administrative Tribunal, where a petition filed by him and registered as O.A. No1248/2018 for seeking the aforesaid relief, to decide the same expeditiously.

W.P.(C) 5689/2018

Page 1 of 2

2. We decline to entertain the present petition, when the petitioner has already approached the Tribunal for relief. This is not the first Court that the petitioner can approach for purpose of adjudicating his case on merits.
3. Learned counsel for the petitioner states that the OA was listed before the Principal Bench, Central Administrative Tribunal, but due to a vacancy on the post of the Principal Judge, Central Administrative Tribunal, the matter has been adjourned from time to time and now stands adjourned to 20.08.2018, whereas the petitioner shall superannuate in the meantime, on 31.07.2018.
4. Having regard to the fact that the OA was filed by the petitioner as recently as in March, 2018 and further, knowing the staggering volume of litigation pending before the Tribunal that as of now is working on less than half its strength, we decline to grant the alternative relief prayed for.
5. The present petition is disposed of alongwith the pending application.

HIMA KOHLI, J

PRATIBHA RANI, J

MAY 24, 2018
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