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

+ **W.P.(C) 7323/2018 & C.M. Nos. 27935-936/2018**

A.K. GANDHI

..... Petitioner

Through: Mr. C.M. Mohan Rao, Advocate with
Mr. Lokesh Kumar Sharma, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Vinod Diwakar, CGSC with
Mr. Akshaya Agarwal, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **09.08.2018**

1. The petitioner is aggrieved by the interim order dated 26.7.2017, passed by the Central Administrative Tribunal in **O.A. No. 1817/2015** entitled D.P. Jindal & Ors. vs. C.P.W.D. By the impugned order, the Tribunal has directed that no appointment/promotion to the post of Executive Engineer (Civil) shall be made of persons having lower merit than the applicants in the LDCE Test 1999, till the next date of hearing.

2. We find from the order dated 26.7.2017, that the next date fixed before the Tribunal was 29.8.2017. Learned counsel for the petitioner states that the arguments were not addressed on the pending Misc. Application filed by the petitioner for seeking vacation of the interim order, either on 29.8.2017 or thereafter and now the matter stands adjourned to 20.11.2018.

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3. We have enquired from learned counsels for the parties as to whether pleadings in the O.A. as also in the Misc. Application are complete. It is stated that the pleadings are complete, but the matter was adjourned on the previous date due to the heavy Board of the Tribunal.
4. We refrain from interfering with the impugned order. At the same time, a request is made to the Tribunal to make an endeavour to hear arguments in the O.A. itself on the next date of hearing and pass an order on merits. In the event the Tribunal is not in a position to dispose of the O.A., then the petitioner shall be at liberty to press the misc. application filed by him for seeking vacation of the interim order dated 26.7.2017, which shall be heard and disposed of as per law.
5. It is made clear that neither party shall be accommodated before the Tribunal on the next date of hearing.
6. The petition is disposed of along with the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 09, 2018

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