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

+ W.P.(C) 2800/2014

L. VISHWANATH

..... Petitioner

Through: Mr.V.K.Misra, Advocate

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr.Ajay Digpaul, CGSC for UOI
with Ms.Madhuri Dhingra, Advocate
Ms.Padma Kumar S., Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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07.02.2018

1. The petitioner [respondent No.2 in O.A. No.2705/2012] is aggrieved by certain observations made against him by the Central Administrative Tribunal in the judgment dated 30.10.2013, to the effect that he had suppressed material facts from the respondent No.1/Secretary, Ministry of Information and Broadcasting, which had resulted in issuance of the transfer order to a non-existent post in respect of the respondent No.2 [applicant in OA No.2705/2012]. Directions were accordingly issued to the respondent No.1/Union of India, to look into the matter and take appropriate action. Further, costs of Rs.5,000/- were imposed on the petitioner herein to be paid to the respondent No.2.

2. On 21.11.2016, it was stated on behalf of the petitioner that the petitioner is not aggrieved by the order passed by the Tribunal on merits, but has a grievance with regard to the observations made in the impugned order, qua him. While recording the fact that operation of the latter portion of the impugned judgment had already been stayed, the respondent No.1 was directed to examine the facts of case, un-influenced by the observations made against the petitioner in the impugned judgment and inform the court about their position/stand in a sealed cover.

3. In compliance of the aforesaid order, learned counsel for the respondent No.1 had submitted in a sealed cover, a letter dated 09.01.2017, written to him by the Under Secretary, Ministry of Information and Broadcasting, which records that the petitioner, in his capacity as the Administrative Head of the Song and Drama Division, had informed the respondent No.1/UOI through the Ministry of Information and Broadcasting about certain misconducts in respect of the respondent No.2 and had recommended initiation of disciplinary proceedings against her, as also her suspension. As such, the question of taking any action against the petitioner did not arise. The said letter dated 09.01.2017, was taken on record.

4. We are informed by the learned counsel for the parties, today, that the costs of Rs.5,000/-, imposed by the Tribunal on the petitioner, have already been paid to the respondent No.2 and that respondent No.2 had superannuated on 30.06.2017.

5. Learned counsel for the respondent No.1 hands over a copy of the office order dated 05.11.2012, issued by the Ministry of Information and Broadcasting, whereunder the respondent No.2 and 12 other officers were allocated certain work. The said letter has been signed by the then Director of the Song and Drama Division.

6. Learned counsels submit that the Director was the competent authority and it was at his instance that the captioned office order was issued. A copy of the said order dated 05.11.2012 is taken on record.
7. All the parties are *ad idem* that in view of the above sequence of events nothing further survives for adjudication in the present matter, particularly since the respondent No.1 has decided not to take any action against the petitioner and the respondent No.2 has already superannuated.
8. The petition is accordingly disposed of. No orders as to costs.

HIMA KOHLI, J.

PRATIBHA RANI, J.

FEBRUARY 07, 2018
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