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

+ W.P.(C) 10235/2018 & CM Nos.39908-39911/2018

+ W.P.(C) 10239/2018 & CM Nos.39913-39916/2018

+ W.P.(C) 10240/2018 & CM Nos.39917-39920/2018

+ W.P.(C) 10241/2018 & CM Nos.39921-39924/2018

THE DIRECTOR (RL) & ORS

..... Petitioners

Through: Mr.Arun Bhardwaj, CGSC.

versus

SATYA PRAKASH

..... Respondent

SANTOSH KUMAR UPADHYAY

..... Respondent

ANSHUL RAKESH

..... Respondent

KAMLESH SINGH KUSHWAHA

..... Respondent

Through: Mr.Bimlesh K. Singh, Mr.Ashutosh
Bhardwaj & Ms.Anjali Sharma, Advts.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **28.09.2018**

1. Mr.Bhardwaj, learned counsel for the petitioners states that he has obtained instructions from the department to the effect that instead of pressing the present petitions on merits, the department propose to file a review petition before the Tribunal for seeking review of the common impugned judgment dated 23.07.2018 passed in the four connected Original Applications that were filed by the respondents before the Tribunal.

W.P.(C) 10235/2018 & connected matters

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2. Learned counsel for the respondents states that apart from the four OAs that have been decided by the impugned judgment, one OA filed by some third party for the same relief is pending before the Tribunal and on the last date fixed in the said OA, instead of arguing the matter on merits, counsel for the Union of India (respondents before the Tribunal) had sought an adjournment on the ground that the present petitions are being filed before the High Court to assail the judgment dated 23.07.2018. He states that in view of the said position, the Tribunal had adjourned the pending OA to a date in January, 2019.

3. It is made clear that the mere pendency of the 5th OA on the same issue as raised in OA Nos.2455/2018, 2456/2018, 2457/2018 and 2458/2018 decided by the impugned judgment will not be a ground for the Tribunal to examine the pleas proposed to be taken by the petitioners in the review application that shall be filed before the Tribunal. The said review application shall be decided as per law.

4. Needless to say that if the Tribunal decides to entertain such a review application, then the respondents in these petitions shall be entitled to take all the pleas that may be available to them to oppose the review application.

5. The petitions are disposed of along with the pending applications with liberty granted to the petitioners as prayed for.



HIMA KOHLI, J



REKHA PALLI, J

SEPTEMBER 28, 2018/gm