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

+ W.P.(C) 6999/2017 and CM APPL. 29077/2017 (stay)

UNION OF INDIA

..... Petitioner

Through: Mr. Kirtiman Singh, CGSC with
Mr. Prateek Dhanda and Mr. Waize Ali Noor,
Advocates

versus

H L CHAUDHARY AND ORS

..... Respondents

Through: Ms. Sakshi Kakkar and Mr. Shakti
Singh, Advocates for R-1.
Mr. Naresh Kaushik, Mr. Devik Singh, Mr. Akash
Mohapatra and Ms. Manju Beniwal, Advocates for
R-2 and R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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11.04.2018

1. On the last date of hearing, counsel for the respondent No.1 had handed over a copy of the order dated 04.09.2017, passed by the Supreme Court in SLP (C) No.22280/2017 filed by the respondent No.1 against the interim order dated 17.08.2017, passed in the present proceedings, whereby operation of the interim order dated 21.07.2017, passed by the Tribunal in O.A. No.2397/2017 was stayed.

2. We may note that by the impugned order dated 21.07.2017, the Tribunal had stayed the operation of the orders dated 14.07.2017 and 17.07.2017, whereby the service of the respondent No.1 was terminated by

W.P.(C) 6999/2017

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paying him three months' salary in lieu of the notice period. It was also directed that till the next date of hearing, the respondent No.1 shall not claim any salary.

3. Aggrieved by the aforesaid interim order, the petitioner/UOI has approached this Court by filing the present petition, wherein a caveat was filed by the respondent No.1. On the very first date, i.e., on 17.08.2017 in the presence of the parties, the predecessor Bench had stayed operation of the order dated 21.07.2017 passed by the Tribunal by making it clear that the proceedings in the O.A. shall continue.

4. The aforesaid order dated 17.08.2017 was challenged by the respondent No.1 before the Supreme Court by filing a SLP on which an order dated 04.09.2017 came to be passed as below:-

“We are not inclined to entertain this petition. The special leave petition is, accordingly, dismissed.

Considering the fact that the application for interim relief is already listed before the Central Administrative Tribunal on 07.09.2017, we request the Tribunal to dispose of the interim application, if possible, on 07.09.2017 or in any case soon thereafter without being influenced by the orders passed by the High Court.”

5. Having regard to the aforesaid order, on the last date of hearing, counsel for the respondent No.1 had stated that the present petition filed by the UOI has been rendered infructuous.

6. Today, counsels for the parties state that the O.A. and the interim application are listed for arguments before the Tribunal on 01.05.2018. That being the position, we deem it appropriate to direct that the interim order dated 17.08.2017 shall continue to operate till the Tribunal disposes of the

interim application and O.A. No.2397/2017, which is listed before it for final arguments on 01.05.2018.

7. The petition is disposed of alongwith the pending application.

HIMA KOHLI, J

PRATIBHA RANI, J

APRIL 11, 2018

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