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

+ W.P.(C) 11959/2018

PRATIBHA RANI & ORS

..... Petitioner

Through: Ms. Purti Marwaha Guptha with Mr.
A. Venayagam Balan and Ms. V.S.
Lakshmi, Advs.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Ms. Suparna Srivastava, CGSC with
Mr. Tushar Mathur, Advs. for R-1 to
R-3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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02.11.2018

C.M. Nos. 46369,46367/2018

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 11959/2018 & C.M. Nos. 46368,46366/2018

The petitioner has preferred the present writ petition to assail the order dated 16.07.2018 passed by Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 3449/2017. The Tribunal has, by the impugned order adjourned the hearing in the Original Application *Sine Die* in view of the fact that the judgment of this Court in ***Chet Ram***

Meena and Others Vs. Secretary, Ministry of Finance and others, W.P. (C.) No. 8063/2017, dated 21.09.2017, has been stayed by the Supreme Court in SLP No.9643/2016 on 12.01.2016. The Supreme Court has directed that there shall be stay of operation and implementation of the order in ***Chet Ram*** (supra).

The submission of learned counsel for the petitioner is that this Court has already considered the issue arising in the present case in ***Union of India v. Manglazom Gangte and Ors.***, W.P. (C.) No. 8063/2017, decided on 21.09.2017. The submission is that even when the said petition was dismissed by this Court, it was brought to the notice of this Court that the decision of the Rajasthan High Court in ***Union of India v. Ramesh Kumar Panwar & Ors.*** in Civil Writ petition No. 5148/2013, decided on 26.05.2015, was under scrutiny before the Supreme Court in Special Leave Petition(C)cc No.1691/2016 and the operation of the decision of the Rajasthan High Court had been stayed on 01.02.2016. Despite the said stay of the decision of the Rajasthan High Court, this Court proceeded to dismiss the writ petition.

We do not find merit in this submission of the learned counsel for the petitioner for the reason that our decision in ***Manglazom Gangte***(supra) is squarely based on the judgment of this Court in ***Chet Ram*** (supra). By the time the decision dated 21.09.2017 was rendered in ***Manglazom Gangte***(supra), the Supreme Court had not stayed the judgment in ***Chet Ram*** (supra). The same is a subsequent development which has taken place.

In these circumstances, we are of the view that the Tribunal has rightly adjourned the proceedings to await the decision of the Supreme Court, since it would be a futile exercise for the Tribunal, or even for this

Court, to deal with issues, when they are pending consideration before the Supreme Court.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 02, 2018

N.Khanna