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

+ W.P.(C) 9522/2017

PRAVEEN KUMAR SHARMA Petitioner

Through: Mr.Ashish Sharma, Advocate

versus

UNION OF INDIA & ORS Respondents

Through: Mr.Ravi Prakash, CGSC with
Mr.Nitish Gupta, Advocate with
Mr.Vivek Kumar, DC (Law)

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **09.02.2018**

1. On the last date of hearing, it was recorded that the present petition has been listed subject to an office objection with regard to its maintainability. Further, on going through the records, it was noted that the petitioner had not filed copies of the order dated 07.01.2015, passed by the learned Single Judge of the Allahabad High Court and the order dated 29.07.2015 passed by the Division Bench of the Allahabad High Court in an intra-court appeal filed by the petitioner against the order dated 07.01.2015, passed by the Single Judge. As learned counsel for the petitioner was not in a position to handover the copies of the said orders, the matter was adjourned to enable him to file the said orders.

2. It transpires from a perusal of the order dated 07.01.2015, passed by the Single Judge of the Allahabad High Court in Writ Petition No.1106/2011 that the relief sought by the petitioner in the said petition was for setting aside and quashing the order dated 16.11.2009 passed by the Disciplinary Authority inflicting upon him a punishment of removal from service as also

the orders dated 04.03.2010 and 24.11.2010 passed by the appellate and revisional authorities respectively upholding the order of the Disciplinary Authority. Vide judgment dated 07.01.2015, the learned Single Judge of the Allahabad High Court had dismissed the writ petition filed by the petitioner. Aggrieved by the said order, the petitioner had preferred an intra-Court appeal (Special Appeal No.37/2015) which was also dismissed vide judgment dated 29.07.2015.

3. On enquiring from learned counsel for the petitioner as to whether the judgment of the learned Single Judge, Allahabad High Court has attained finality or the petitioner had approached the Supreme Court thereafter, to challenge the judgment dated 29.07.2015 passed by the Division Bench of the Allahabad High Court, learned counsel submits that the petitioner did not approach the Supreme Court against the judgment dated 29.07.2015.

4. That being the position, we have enquired from learned counsel for the petitioner as to how the present petition would be maintainable before this Court when the issue raised here has already been adjudicated upon by two successive courts and the doctrine of *res judicata* squarely applies. It is not surprising that the petitioner did not file copies of the judgments passed by Allahabad High Court on the writ petition and appeal filed by him.

5. At this stage, learned counsel for the petitioner states that he may be permitted to withdraw the present petition.

6. While cautioning the petitioner to be more careful in future, we are refraining from taking the matter further. The present petition is dismissed as withdrawn.

HIMA KOHLI, J.

P.S.TEJI, J.

FEBRUARY 09, 2018/‘pg’