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

+ W.P.(C) 437/2018

SH. CHARAN SINGH

..... Petitioner

Through: Dr.L.S.Chaudhary &
Mr.Viresh Chaudhary, Advocates

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **23.02.2018**

W.P.(C) No.437/2018 & CM No.1851/2018 (by the petitioner for permission to file additional documents) & CM No.7007/2018 (by the petitioner for condonation of delay in filing the petition)

1. Learned counsel for the petitioner states that he has filed an application for explaining the delay in approaching the Court for seeking relief against the judgment dated 13.10.2015, passed by the Tribunal in O.A. No.3378/2013.

2. In the course of arguments on the said application, it transpires that the respondent/MTNL has passed an order dated 04.07.2017, provisionally appointing the petitioner to the post of JTO notionally w.e.f. 17.06.2002, without payment of any arrears. Learned counsel for the petitioner submits that the aforesaid order was passed by the respondent/MTNL in terms of the observations made by the Tribunal in the operative para 7 of the impugned judgment, wherein a view was expressed that the respondent/MTNL would act in terms of the stand taken in para (xiii) of its counter affidavit. He states that the petitioner is willing to accept his provisional appointment as a JTO

w.e.f. 17.06.2002, but he has a grievance with regard to the decision taken for non-payment of any arrears to him as he was actually discharging the duties of a JTO even prior to 17.06.2002. He states that now the grievance of the petitioner is confined to the decision of the respondent/MTNL of non-payment of arrears on his provisional appointment as a JTO notionally w.e.f. 17.06.2002. The petitioner also has a grievance that while passing the order dated 04.07.2017, the respondent/MTNL did not consider him for a subsequent promotion to the post of Sub-Divisional Engineer with effect from the date when his immediate junior, one Sh.Budh Singh, had been promoted in April, 2005.

3. In our view, having regard to the subsequent order dated 04.07.2017, passed by the respondent/MTNL, nothing further survives for adjudication in the present petition. If the petitioner is aggrieved by the non-payment of arrears on his notional appointment w.e.f. 17.06.2002, or non-grant of promotion to the post of Sub-Divisional Engineer, w.e.f. April, 2005, it is for him to seek his remedy as per law.

4. Learned counsel for the petitioner submits that he does not wish to press the present petition. Instead he reserves the right of the petitioner to approach the Tribunal for appropriate relief as recorded hereinabove, in view of the order dated 04.07.2017, passed by the respondent/MTNL.

5. Leave as prayed for, is granted. The petition is accordingly disposed of, alongwith the pending applications.

6. The date already fixed i.e. 17.07.2018, is cancelled.

HIMA KOHLI, J.

P.S.TEJI, J.

FEBRUARY 23, 2018/‘st’

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