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

+ LPA 781/2019

LOV BHATIA

..... Appellant

Through: Mr. Saqib, Advocate.

versus

GOVT OF NATIONAL CAPITAL TERRITORY OF DELHI & ANR

..... Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel (GNCTD) with Mr. Nitesh
Singh, Advocate for R-1.
Mr. Parvinder Chauhan, SC (DUSIB)
with Mr. Rahul Adhana, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **19.12.2019**

C.M. No. 54500/2019 (exemption)

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

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3. Issue notice. Learned counsel for the Respondents accepts notice.
4. We have heard the learned counsels and proceed to dispose of the appeal. The Appellant has assailed the order dated 09.10.2019. By this order, CM. No. 52897/2019 moved by the Appellant/Writ Petitioner to seek recall of the order dated 25.11.2019, has been disposed of. In the said application, the averment made by the Appellant/Writ Petitioner was that on 25.11.2019, the

matter has not been adjourned on joint request. Mr. Saqib, learned counsel for the Appellant submits that the Appellant does not wish to join issues on whether or not the Appellant had joined the request of adjournment on 25.11.2019. He only seeks that the preliminary hearing in the writ petition may take place so that, in case the learned Single Judge is satisfied and is inclined to issue notice, at least notice is issued in the writ petition and the ball is set rolling.

5. The Appellant has also made a grievance that he has not been granted any interim stay of the order of compulsory retirement.

6. Considering the fact that the writ petition was filed on 21.11.2019 and listed before the learned Single Judge on 25.11.2019, in case the Appellant moves an application simplicitor for preponement or prays for preliminary hearing, we request, the learned Single Judge to sympathetically consider the same. However, we make it clear that in a matter like this, there is no question of grant of any interim stay of the order of compulsory retirement since the grant of any such relief would tantamount to allowing the writ petition at the admission stage. In case the Appellant succeeds in the writ petition, he would be entitled to such relief as is admissible in law.

7. The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

SANJEEV NARULA, J

DECEMBER 19, 2019

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