

\$~25 & 26

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

+ W.P.(C) 11558/2019

DEEPAK SHARMA & ORS

..... Petitioners

Through: Mr. Ankit Goel & Mr. R.K. Gupta,
Advts.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Arun Bhardwaj, CGSC for R1/
UOI with Mr. Piyush Gaur (G.P.).
Mr. Amit Bansal, Sr. Standing
Counsel with Ms. Seema Dolom
Advts. for R2 & 3.

+ W.P.(C) 11565/2019

RAHUL RAJ & ORS

..... Petitioners

Through: Mr. Ankit Goel & Mr. R.K. Gupta,
Advts.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Arun Bhardwaj, CGSC for
R1/UOI with Mr. Piyush Gaur
(G.P.).
Mr. Amit Bansal, Sr. Standing
Counsel with Ms. Seema Dolom
Advts. for R2 & 3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

01.11.2019

CM.APPL. No. 47501/2019 (Exemption) in W.P.(C) 11558/2019

CM.APPL. No. 47512/2019 (Exemption) in W.P.(C) 11565/2019

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

2

CM APPL. No. 47500/2019 (additional documents) in W.P.(C) 11558/2019

CM APPL. No. 47511/2019 (additional documents) in W.P.(C) 11565/2019

Additional documents be taken on record.

The applications stand disposed of.

W.P.(C) 11558/2019

W.P.(C) 11565/2019

The present petition being W.P.(C) No.11558/2019 is directed against order dated 07.10.2019 passed in M.A. No. 3294/2019 in O.A. No. 2057/2019.

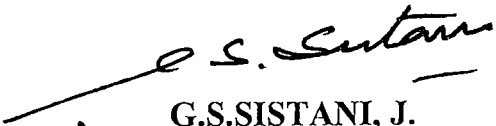
2. Learned counsel for the petitioners submits that the learned Tribunal has declined interim relief without taking into account the notice issued by the respondents on 22.10.2019. Counsel submits that in case effect is given to this notice, the implication would be that the petitioners would stand reverted.

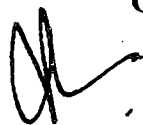
3. Mr. Bhardwaj, learned counsel for the respondents enters appearance on advance copy. Counsel submits that a careful reading of notice dated 22.10.2019 would show that time was granted to the petitioner-officers to make a representation within 10 days and some of the petitioners have in fact made such representations.

4. Mr. Bhardwaj submits that while he opposes the direction with regard to conducting a review DPC, however, the respondents would not revert the petitioners till 14.11.2019, when the stay application is listed before the Tribunal.

5. Having regard to the stand taken by the learned counsel for the respondents, the present petitions are disposed of.

6. The stay application is already listed before the Tribunal on 14.11.2019, when the matter would be heard; and the petitioners would not be reverted till the next date before the Tribunal i.e. 14.11.2019.
7. For the sake of clarity, it is noticed that no separate M.A.s were filed in O.A.s Nos. 2057/2019 and 2977/2019, and these matters have been posted before the Registrar on 14.11.2019. We direct that these O.A.s be also listed on 14.11.2019 for hearing before the Tribunal and that in the meantime, the applicants in these O.A.s shall also file M.A.s seeking interim relief.
8. This order is without prejudice to the rights and contentions of both the parties and would apply to W.P.(C) No.11565/2019 as well.
9. With these directions, the writ petitions are disposed of.
10. *Dasti* to both the parties.


G.S.SISTANI, J.



ANUP JAIRAM BHAMBHANI, J.

NOVEMBER 01, 2019/uj