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

+ W.P.(C) 1942/2019

PAWAN KUMAR

..... Petitioner

Through: Mr. Sachin Datta, Sr. Adv. with Ms.
Devna Arora and Mr. Dinesh Sharma,
Advts.

versus

INDIAN COUNCIL FOR AGRICULTURAL RESEARCH

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

25.02.2019

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C.M. No. 9020/2019

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

W.P.(C) 1942/2019 & C.M. No. 9021/2019

The petitioner has preferred the present writ petition to assail the order dated 14.12.2018 passed by respondent ICAR – Indian Agricultural Research Institute, Pusa, New Delhi.

The said order has been passed in compliance of the order dated 04.09.2018, passed by the Tribunal in O.A No. 2556/2016. Since the petitioner is aggrieved by the order dated 14.12.2018, in our view the

petitioner has to first approach the Tribunal and the petitioner cannot straight away prefer a writ petition.

Mr. Datta submits that in the order dated 04.09.2018, the Tribunal directed the respondents to pass a fresh speaking order post which the petitioner was given 15 days time to reply to the same and, thereafter, the respondents were directed to pass another final order within 30 days of receipt of the reply.

In our view, the said procedure may not be fair. Since the respondents have already passed order dated 14.12.2018, the petitioner, in our view would be entitled to assail the same before the Tribunal without making any further representations.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 25, 2019

N.Khanna