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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 14.08.2020

W.P.(C) 5254/2020

LALIT KUMAR GUPTA

....Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Advocates who appeared in this case:

For the Petitioner : Mr. Shashank S. Mangal, Advocate

For the Respondent : Mr. Akhil Mittal, Standing Counsel (NDMC)

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (via Video Conferencing)

The present petition has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

CM APPL.18939/2020 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

CM APPL. 18938/2020 (Exemption)

The present application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant/petitioner seeking exemption from filing duly notarized affidavits in support of the accompanying petition as well as applications.

For the reasons stated in the application and in view of the present prevailing situation, the same is allowed. The applicant/petitioner is allowed to file the duly signed and notarized affidavits within a period of one week from the date of resumption of regular functioning of the Court.

With the above direction, the present application is disposed of.

W.P.(C) 5254/2020 & CM APPL.18937/2020 (Interim Relief)

1. The present writ petition under Articles 226 and 227 of the Constitution of India, instituted on behalf of the petitioner, prays as follows:

- “A. To allow the present petition and quash and set aside the final judgment and order dated 16.07.2020 passed by the Ld. Central Administrative Tribunal, Principal Bench, New Delhi in OA No. 100/902/2020.
- B. To issue a writ of mandamus directing the Respondent to consider the claim of the Petitioner under Office Memorandum (OM)

F.No.25012/1/2015-Estt (A-IV), issued by Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Establishment (A-IV) Desk dated 19.05.2015 (**'Disability OM'**), within 2 weeks.

- C. To direct the Respondent to release the salary arrears of the Petitioner for the period between September 2012 and March 2014.
- D. To direct the Respondent to grant all increments due to the Petitioner since March 2014.
- E. To direct the Respondent to grant the Petitioner his Promotion as Head Clerk due since March 2013.
- F. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Although, by way of the present petition Mr. Lalit Kumar Gupta, the petitioner herein, prays for setting aside of the final judgment and order dated 16.07.2020 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi, in O.A. No. 100/902/2020 titled as '*Mr. Lalit Gupta vs. North Delhi Municipal Corporation*' instituted by him; learned counsel appearing on his behalf, on instructions, limits the relief in the present proceeding only to a direction to the Competent Authority to consider and determine his representation dated 18.06.2020 (annexed as Annexure 'P-8' to the present writ petition), whereby he has sought benefits that he claims to

be entitled to, under Office Memorandum bearing F.No.25012/1/2015-Estt (A-IV), issued by Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Establishment (A-IV) Desk dated 19.05.2015.

3. Issue Notice.

4. Mr. Akhil Mittal, learned Standing Counsel accepts notice on behalf of the respondent North Delhi Municipal Corporation and states that the Competent Authority shall determine the aforementioned representation dated 18.06.2020, filed by the petitioner, within four weeks from today, by way of a speaking order in accordance with law, under intimation to the petitioner.

5. Directed accordingly.

6. Mr. Shashank S. Mangal, learned counsel appearing on behalf of the petitioner undertakes to cooperate with the official respondent *qua* his medical examination by a government hospital, in order to establish his entitlement for disability benefits.

7. Directed accordingly.

8. No further directions are called for.

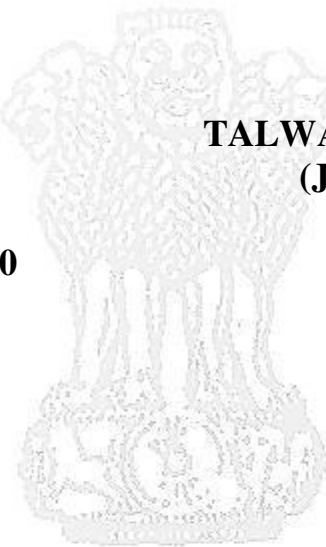
9. With the above directions, the present writ petition is disposed of. The pending application also stands disposed of.

10. A copy of this judgment be provided electronically to learned counsel appearing on behalf of both the parties and be also uploaded on the website of this Court forthwith.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

AUGUST 14, 2020
dn/as



[*Click here to check corrigendum, if any*](#)