

\$~S-8

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 18.11.2020

W.P.(C) 9504/2019

DR. DEVABRATA SINHA

.....Petitioner

versus

**THE NATIONAL INSTITUTE OF HEALTH
AND FAMILY WELFARE AND ANR.**

.....Respondents

Advocates who appeared in this case:

For the Petitioner	:	Mr. Shakti Narayanan, Advocate.
For the Respondents	:	Mr. V.S.R. Krishna, Advocate.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (Open Court – via Video Conferencing)

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

1. The present writ petition filed under Article 226 & 227 of the Constitution of India assails the order dated 06.09.2018 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No.1926/2017 titled as '*Dr. Devabrata Sinha vs. National Institute of Health & Family Welfare*', whereby it was directed as follows :-

“a) The applicant shall make a comprehensive, representation to the respondent within a period of two weeks from today, seeking special dispensation for grant of pension to him by relaxing the qualifying years of service.

b) The respondent shall consider such representation and decide it within a period of four weeks thereafter by passing a speaking and reasoned order. While doing so, the respondent shall keep in mind the judgment of Hon'ble Apex Court in *C. Jacob (supra)*, under intimation to the applicant.

c) In case the applicant remains dissatisfied by the order to be passed by the respondent, he shall have liberty to take recourse to appropriate remedy, as available to him under law.”

2. In compliance with the directions issued in paragraph (a) hereinabove, the petitioner filed a comprehensive representation with the official respondents; which representation was rejected by the official respondents vide speaking order dated 11.03.2019.

3. It is observed that the said order passed by the official respondents on the detailed representation made by the petitioner herein has not been assailed by the latter in terms of the liberty granted to him in terms of the paragraph (c) of the impugned order dated 06.09.2018.

4. In view of the foregoing, learned counsel appearing on behalf of the petitioner seeks leave to withdraw this writ petition with liberty to assail the order passed by the official respondents dated 11.03.2019 whereby his detailed representation was rejected, before the Central Administrative Tribunal, in accordance with law.

5. Leave and liberty granted.

6. The writ petition is dismissed as withdrawn.

7. However, in view of the circumstance that the *lis* between the parties has been pending adjudication for some time and in the backdrop of the circumstance that the petitioner is stated to suffer from locomotor disability upto be 80%; the Central Administrative Tribunal is requested to expedite the hearing of the petitioner's challenge to the said order dated 11.03.2019 after excluding the time taken in presenting the present proceedings and condoning the delay caused thereby, expeditiously and

preferably within a period of six months from the date of initiation of the proposed challenge.

8. No further directions are called for.
9. With the above directions, the writ petition is disposed of.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

**NOVEMBER 18, 2020
'AA'**

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