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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 7775/2018 and CM APPL. Nos. 29843/2018 (stay),
42204/2018 (Addl. Affidavit), 42205/2018 (Addl. documents)

UNION OF INDIA

..... Petitioner

Through: Mr. Arun Bhardwaj, Advocate.

versus

SUMIT KUMAR

..... Respondent

Through: None.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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15.01.2020

1. On 11th October, 2018, the following order was passed by this Court:-

“1. A perusal of the memo of parties filed in the present petition reveals that the petitioner/Union of India was not a party before the Tribunal. In O.A. No.4244/2015 filed by the respondent, GNCTD was made a party alongwith Staff Selection Commission and the Commissioner of Police, New Delhi. Both the said respondents were duly represented through different counsel.

2. We have enquired from learned counsel for the petitioner as to how the present petition could have been filed by the Union of India, when it was not a party before the Tribunal and why have names of those, who were impleaded as respondents before the Tribunal, not been included in the memo of parties.

3. Learned counsel states that he may be permitted to examine the said position before making any further submissions.

4. We may further note that on 16.08.2018, learned counsel for the petitioner was directed to give a written intimation of the

next date of hearing to the respondent directly, as also through the counsel who had appeared for him before the Tribunal and proof of intimation was directed to be kept handy. Learned counsel is not in a position to handover proof of intimation given either to the respondent or his counsel. No wonder the respondent is not represented today.

5. At the request of the counsel for the petitioner, renotify on 22.02.2019. The proof of intimating counsel for the respondents as also the respondent about the pendency of this case shall be produced on the next date of hearing.”

2. The Court notes that the Union of India through Ministry of Home Affairs was in fact not a party before the Central Administrative Tribunal (‘CAT’) against the order of which the present petition has been filed.

3. In that view of the matter, Mr. Bhardwaj, learned counsel for the Petitioner seeks leave to withdraw the present petition with liberty to initiate other appropriate proceedings in accordance with law, including approaching the CAT with a review petition.

4. The petition is dismissed as withdrawn with liberty as prayed for. The pending applications are disposed of.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 15, 2020/nk