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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 11th August, 2021

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W.P.(C) 1347/2021

RAM KANWAR NAIN

..... Petitioner

Through: Ms. Pratima Lakra, Advocate

versus

REGISTRAR GENERAL, HIGH COURT OF DELHI & ORS.

..... Respondents

Through: Ms. Anu Bagai, Advocate for R-1.
Mr. Chetan Sharma, Additional Solicitor General
with Mr. Anurag Ahluwalia, Central Government
Standing Counsel, Mr. Abhigyan Siddhant,
Mr. Vinay Yadav, Mr. Akshay Gadeock,
Mr. Amit Gupta & Mr. Sahaj Garg, Advocates for
R-2/UOI.
Ms. Haripriya Padmanabhan, Advocate for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

Proceedings have been conducted through video conferencing.

CM APPL. 3780/2021 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1347/2021

1. Present petition has been preferred seeking the following reliefs:-

“i) Interpret the order dated 13.09.2017 passed by Hon’ble Single Bench in FAO 385 of 2013 passed under Section 30 of the Employee’s Compensation Act in Part Heard Category.

ii) Pass any other order as to it being an ultravires the law.

iii) Hold the petition is maintainable under Section 27A of the CPC interpretation the order as a statutory instrument.

iv) Hold that the order dated 13.09.2017 is invalid as to the test of being ‘Part Heard’ and a valid to take it out from the Hon’ble the Chief Justice — Master of Roaster.

v) Hold that the provisions — order 27A CPC is a law in existence and holding the position of a valid law by the legislature and amenable by way of instant petition seeking the interpretation of order dated 13.09.2017 and 05.10.2018 in FAO 385 of 2013 passed by the Hon’ble Single Bench and that became an instrument to be interpreted.

vi) Hold that the validity of the order dated 13.09.2017 and 05.10.2018 and any other and further order/orders as to it being ultra vire or intravires the statutory provisions Section 30 of the Employee’s Compensation Act.

*vii) Hold that the order dated 13.09.2017 is holding the ground to the test of Article 141 of the constitution of India alongwith judgment and law by the Hon’ble Supreme Court in **Golla Rajanna and others v. Divisional Manager, United India Insurance Co. Ltd. And anr.**, cited at 2017 ACJ 1 and **T.S. Shylaja v. Oriental Insurance Co. Ltd. And anr - 2014 ACJ 480.***

viii) Interpretation of provisions of Section 30 of the Employee’s Compensation Act, 1923 be given as per the provisions of Order 27A CPC.

ix) Pass any other or further Orders as may be deemed fit and proper in the circumstances of the case including its testing as to it being a matter failing under PART HEARD Category vis a vis ‘Mastery of Roster’.”

2. We have heard learned counsel for the parties at length.
3. Present petition has been filed by the Petitioner seeking interpretation of the interim order dated 13th September, 2017 (Annexure C to the memo of the writ petition) and order dated 5th October, 2018 (Annexure H to the memo of this writ petition) passed by the learned Single Judge in FAO 385/2013.
4. Learned counsel appearing for the Petitioner, at the start of the arguments, submitted that the aforesaid FAO 385/2013 is pending before the learned Single Judge and, therefore, the interpretation of the interim orders is imperative. Grievance of the Petitioner appears to be that the learned Single Judge, while hearing the said appeal, referred to an order dated 22.08.2017 passed in FAO 424/2016, in the order dated 13.09.2017, which has portrayed the Petitioner in bad light. The order dated 22.08.2017 was, even otherwise, challenged before the Hon'ble Supreme Court and has been set aside by judgment dated 19.02.2018. The said judgment of the Hon'ble Supreme Court was brought to the notice of the learned Single Judge and was recorded in the order dated 12.03.2018, yet the learned Single Judge has not modified its earlier order and has reiterated the observations in another order dated 05.10.2018. This has gravely prejudiced the Petitioner besides damaging his reputation as an Advocate.
5. After canvassing the said argument at length, at this stage, learned counsel for the Petitioner, on instructions, submits that in fact, FAO 385/2013 has already been disposed by the learned Single Judge by order dated 24.06.2021 and is no longer pending.
6. We are of the view that once the FAO 385/2013 has been finally disposed of, the interim orders have merged into the final order and the

relief sought in the present petition cannot be granted at this stage. In any event, the remedy of writ petition is not available to the Petitioner to adjudicate as to whether the orders aforesaid have shown the Petitioner in a bad light or tarnished his reputation, as alleged. In case the Petitioner is aggrieved by the orders passed by the learned Single Judge, remedy of appeal is available and in case the Petitioner feels aggrieved by any observation which, in the perception of the Petitioner, is affecting his image, as alleged, appropriate remedy in law may be resorted to. However, most certainly, the remedy of a writ petition is not the course of action available to the Petitioner for ventilating the grievances he has in the present petition. The petition is, in our view, completely misconceived and abuse of process of law.

7. In view of the above, we do not see any reason to entertain the present writ petition. The same is accordingly dismissed with costs of ₹10,000/- to be paid by the Petitioner to the Delhi State Legal Services Authority, within a period of four weeks from today. The aforesaid amount shall be utilized for the programme 'Access to Justice'.

A copy of this order be sent forthwith to the Member Secretary, Delhi State Legal Services Authority, Patiala House Courts, New Delhi-110001.

CHIEF JUSTICE

JYOTI SINGH, J

AUGUST 11, 2021/ns