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

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Decision delivered on: 09.07.2021

+ **W.P.(C) 5449/2021 & CM No. 16880/2021, 18459/2021, 18755/2021**

**FOOD CORPORATION OF INDIA HANDLING WORKERS
UNION**Petitioner

Through: Mr. Rajesh Mohan Sinha, Advocate.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Neeraj Malhotra, Senior Advocate with Mr. Om Prakash, Mr. Pradeep Kumar Tripathi and Mr. Anil Kapoor, Advocates for R-2 and 3/FCI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Court hearing convened via video-conferencing on account of COVID-19]

RAJIV SHAKDHER, J. (ORAL):

1. After some arguments, Mr. Rajesh Mohan Sinha, who appears for the petitioner-union, says, in view of the fact that, apart from anything else, two transfer orders, have been challenged, i.e., orders dated 03.05.2021 and 05.05.2021, concerning respondent no. 3, i.e., Regional Office, Assam Region; and Divisional Office, Guwahati, respectively, he has instructions to withdraw this writ petition to approach the Gauhati High Court.

1.1. Furthermore, Mr. Sinha submits that withdrawal of the instant writ petition should not be construed as if the petitioner-union has given up the

contentions raised on merits in the instant writ petition.

2. Mr. Neeraj Malhotra, learned senior counsel, on instructions of Mr. Om Prakash, who appears on behalf of respondent no. 2/FCI and respondent no. 3, says that since objections with regard to maintainability of the writ petition, before this Court, were raised, by the said respondents, these objections will not be pressed, once again, if the petitioner-union were to approach the Gauhati High Court.

2.1. The statement of Mr. Neeraj Malhotra is taken on record.

3. In view of the fact that the petitioner-union comprises workmen, and therefore, some amount of preparatory work would have to be done, we are inclined to accept the request of Mr. Sinha, that the orders dated 25.05.2021/04.06.2021, passed by this Court, should continue to operate for the next ten (10) days.

3.1. It is ordered accordingly.

3.2. The orders dated 25.05.2021/04.06.2021 will, however, dissolve automatically, upon expiry of ten (10) days, which will commence from today.

3.3. Since, we have not examined the matter on merits, both the parties will be entitled to advance their case before the Gauhati High Court, in case the petitioner-union were to move the said Court.

4. The writ petition is, accordingly, dismissed as withdrawn with liberty to the petitioner-union to approach the Gauhati High Court. The pending applications shall also stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

JULY 09, 2021/mr

Click here to check corrigendum, if any