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IN THE HIGH COURT OF DELHI AT NEW DELHI

NEUTRAL PETITION NO. 2022/DHC/000012
Date of decision: 21.12.2021



+ **W.P.(C) 8352/2019 & CM APPL. No. 34552/2019**

GOVT. OF NCT OF DELHI

..... Petitioner

Through

Mrs Avnish Ahlawat, Standing
counsel, GNCTD with Mrs Tania
Ahlawat, Mr N K Singh and Ms Palak
Rohmetra, Advocates.

versus

K.C. SURENDER AND ANR.

..... Respondents

Through

Mr Kaustav Saha, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):-

1. On the previous date, i.e., 12.11.2021, the following had been recorded:

"1. There is no representation on behalf of the petitioner/GNCTD.

1.1. However, Mr. Kaustav Saha is present on behalf of respondent no.1 i.e., the contesting respondent.

2. Mr. Saha has drawn our attention to the order dated 13.12.2019.

2.1. A perusal of the aforesaid order reveals that, the Union of India [in short "UOI"] had filed a writ petition i.e., W.P. (C) No. 4080/2019, against the order impugned in the instant writ petition i.e., order dated 26.09.2018. The said writ petition was dismissed by the coordinate Bench of this Court, vide order dated 22.04.2019.

2.2. We are further informed by Mr. Saha that a review was preferred by the UOI, against the abovementioned order dated

22.04.2019, which was also dismissed, on 17.02.2021.

2.3. Therefore, according to Mr. Saha, the instant writ petition has been rendered infructuous.

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3. We may note that the stand of the counsel i.e., Ms. Avnish Ahlawat, who appeared for the petitioner/GNCTD on 13.12.2019, has been recorded. It was conveyed by Ms. Ahlawat on the said date that, the petitioner/GNCTD was not represented before the Division Bench, which disposed of the aforementioned writ petition, filed by UOI [i.e., W.P. (C.) 4080/2019].

3.1. Pertinently, Ms. Ahlawat, as recorded in the aforementioned order, informed the Division Bench that if a review was filed by the Union of India, the petitioner/GNCTD will appear before the concerned Bench.

4. Mr. Saha says that, the petitioner/GNCTD was represented, when the review petition was taken up by the Bench, which passed the order in W.P.(C.) 4080/2019 i.e., order dated 22.04.2019.

5. Given these circumstances, list the matter for directions on 21.12.2021.

6. In the meanwhile, Mr. Saha will apprise Ms. Ahlawat about the order passed today as well as the next date of hearing in the matter.”

2. Mrs Avnish Ahlawat, who appears for the petitioner/GNCTD, has returned with instructions. She says that since the Union of India’s writ petition against the very same order, which is impugned in the instant writ petition by GNCTD, has been dismissed by the coordinate Bench followed by the dismissal of the review petition as well; this petition cannot but meet the same fate unless we refer the issues raised to a larger bench.

2.1. We cannot but agree with Mrs Ahlawat. There is no good reason to disagree with the coordinate bench.

3. The writ petition is, consequently, dismissed, bearing in mind the decision of the coordinate bench of this court dated 22.04.2019 passed in W.P.(C) 4080/2019, titled **Union of India and Anr. vs. Shri K.C. Surender and Anr.**, and the order dated 17.02.2021 passed in Review Petition no. 70/2020, preferred in the said writ petition.

3.1. Consequently, pending application shall also stand closed.

4. The case file shall stand consigned to record.



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RAJIV SHAKDHER, J

TALWANT SINGH, J

DECEMBER 21, 2021

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Click here to check corrigendum, if any

