



\$~12 (2021)

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

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Date of decision: 22.12.2021

+ **LPA 494/2021& CM APPLs. 46617-18/2021**

SUMIT KUMAR JAISWAL & ORS.

..... Appellants

Through : Mr Dheeraj Gupta, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through : None.

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. This is an appeal preferred against the order dated 09.03.2021, passed by the learned single judge in W.P.(C) 3144/2021.

1.1. A perusal of the impugned order would show that the writ petition was withdrawn by the appellants on the ground that the issue raised in the writ petition, would fall within the jurisdiction of the Central Administrative Tribunal [in short, “the Tribunal”].

1.2. Therefore, in our opinion, no appeal would lie.

2. Mr Dheeraj Gupta, who appears on behalf of the appellants, says that this Court, on its own motion, has registered a writ petition, which concerns Public Prosecutors, in which orders have been passed from time to time,



with regard to the facilities and benefits, which ought to be granted to Public Prosecutors.

2.1. In this behalf, our attention has been drawn to the order dated 07.09.2018, passed by the coordinate Bench in W.P.(CrI.) No.1549/2009.

2.2. Mr Gupta says that, since the appellants are similarly circumstanced, they would want to intervene in the pending writ petition i.e., W.P.(CrI.) 1549/2009.

2.3. According to Mr Gupta, *via* the aforementioned order i.e., order dated 07.09.2018, the Court had permitted intervention by the Public Prosecutors Association.

2.4. To be noted, the appellants before us are Company Prosecutors, appointed under the Companies Act, 2013 [in short “the 2013 Act”]. The provisions *qua* appointment of Company Prosecutors are contained in Section 443 of the 2013 Act, read with Section 24 of the Code of Criminal Procedure, 1973.

3. It is, therefore, Mr. Gupta’s contention that if an opportunity is granted, the appellants would also move an application, for intervening in the aforementioned writ petition i.e., W.P.(CrI.) 1549/2009.

3.1. As indicated above, the fact that the appellants withdrew their writ petition is impediment in the appeal and therefore, insofar as this Court is concerned, no such direction can be issued.

3.2. However, liberty is granted to the appellants, to move to the learned single judge by way of a review petition or application for recall of the impugned order.

3.3. In case the review petition or application for recall of the impugned order is filed, the learned single judge will pass an order, as deemed fit.



NEUTRAL CITATION NO: 2022/DHC/000011

4. The appeal is disposed of in the aforesaid terms. Consequently, pending applications shall also stand closed.

(RAJIV SHAKDHER)
JUDGE

(TALWANT SINGH)
JUDGE

DECEMBER 22, 2021
msh

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

