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

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Judgment delivered on: 18.08.2022

+ W.P.(C) 11962/2022 & CM APPL. 35724/2022

NARESH KUMAR & ORS.

..... Petitioner

versus

UNION OF INDIA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. K.C. Mittal and Mr. Keshav Pratap Singh, Advocates.

For the Respondent: Mr. Shoumendu Mukherji, Senior Panel Counsel with Mr. Meghna Sharma and Mr. Rahul Kumar Sharma, Advocates.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners have filed the subject petition pursuant to order dated 01.08.2022, passed by the Central Administrative Tribunal.
2. Learned counsel for petitioners submits that though the OA has



been disposed of in favour of the petitioners by directing the respondent to consider the claims of the petitioners for absorption, however, no time has been granted to the petitioners in case the representation is decided against the petitioners or their application for absorption is rejected.

3. Learned counsel submits that that the original order for repatriation had granted about 10 days' time for joining the parent organization. He submits that in case application is disposed of against the petitioners, there is likelihood that the order may be passed to be implemented immediately without giving any reasonable time to join the parent organization or to avail legal remedies.

4. Issue notice. Notice is accepted by learned counsel appearing for respondent.

5. It is observed that in similar circumstances, a coordinate Bench of this Court in *Chattrashal Pathak & Anr. Vs. Intelligence Bureau*, W.P. (C) 11778/2021, by its order dated 16.02.2022, directed that in case an adverse order was passed, the same would not be given effect to for a period of one week from the date of receipt of the written order passed by the respondents.

6. Keeping in view the facts and circumstances of the case, it is directed that in case representation of the petitioners for absorption is not accepted by the respondents, the order will not be given effect to for a period of one week from the date of communication of the said order.

7. The petition is disposed of in the above terms. It is clarified that this is without prejudice to the rights and contentions of the



parties.

SANJEEV SACHDEVA, J.

TUSHAR RAO GEDELA, J.

AUGUST 18, 2022
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