

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

% Date of decision: May 1, 2023

+ W.P.(C) 5615/2023, CM APPLs. 22009/2023 & 22010/2023

URMILA Petitioner
Through: Mr. Sudarshan Rajan, Adv.

versus

MUNICIPAL CORPORATION OF DELHI
& ANR. Respondents
Through: Ms. Manisha Tyagi, Standing
Counsel

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 22010/2023

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5615/2023

1. The challenge in this petition is to an interim order dated April 28, 2023 passed by the Central Administrative Tribunal ('Tribunal', for short) in the Original Application being OA 1258/2023. The reliefs sought by the petitioner before the Tribunal were the following:

“In view of the facts and submissions as made herein above, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- (i) Call for the records leading to the issue of the impugned letter of information, and after verification of the documents submitted herein, quash and set aside the information letter issued by the Respondents wherein the Applicant has been informed to be superannuating on 30.04.2023; and*
- (ii) Direct the Respondents to amend their record and correct the date of birth of the Applicant from 01.05.1963 to 01 .05.1973; and*
- (iii) Direct the Respondents to not to create any hinderance in the service of the Applicant till her actual superannuation date i.e., 30.04.2033; and*
- (iv) Direct the Respondents to pay the cost of Litigation of to the Applicant; and*
- (v) May also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice.”*

2. One of the prayers of the petitioner before the Tribunal is the correction of her date of birth from May 01, 1963 to May 01, 1973.

3. The Tribunal while issuing Notice in the afore-said OA to the respondents had rejected the prayer for interim relief sought by the petitioner, by stating as under:

“.....This matter is about change of date of birth in service records towards fag end of the career of the applicant and this matter requires adjudication by going into the records of the case and the records which are to be produced by the respondents. Without giving notice and hearing the respondents, it would be inappropriate to grant interim relief at this stage”

4. Suffice to state, the date of retirement of the petitioner shall relate to her date of birth, which is an issue pending before the Tribunal. So, it directed, the retirement of petitioner on the basis of DOB being May 1, 1963 shall be subject to the outcome of the OA pending before the Tribunal.

5. At this stage, Mr. Rajan states that Tribunal be directed to dispose of the OA at the earliest.

6. We expect that the Tribunal shall hear the counsel for the parties on August 01, 2023 and decide the OA in accordance with law.

7. We take on record the submission made by the learned counsel for the respondent that the reply to the OA shall be filed on or before May 31, 2023. If that be so, the rejoinder thereto shall be filed on or before July 7, 2023. If the pleadings are complete, liberty is with the counsel for the petitioner to seek early disposal of the OA, before August 01, 2023.

8. Petition stands disposed of.

CM APPL. 22009/2023

Dismissed as infructuous.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

MAY 1, 2023/jg