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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: October 20, 2023

+ W.P.(C) 14006/2023 & CM. APPL. No.55373/2023

SATBIR SINGH

..... Petitioner

Through: Mr.Rakesh Kumar Shukla, Mr.Pramod
Kumar and Ms.Nisha Maurya,
Advocates.

versus

MCD AND ORS.

..... Respondents

Through: Ms.Sakshi Popli, Standing Counsel,
MCD.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA****V. KAMESWAR RAO, J. (ORAL)**

1. The challenge in this writ petition is to an order dated August 09, 2023 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal', for short) in OA No. 2352/2023, whereby the Tribunal has disposed of the OA filed by petitioner by stating in paragraphs 4 and 5 as under:-

"4. Therefore, with the consent of learned counsel for the parties and without going into the merits of the claim of the applicant, the present OA is disposed of with a direction to the competent authority amongst the respondents to take an appropriate decision upon the pending representation of the applicant within a period of eight weeks from the date of receipt of a certified copy of this order and communicate the decision taken thereupon by way of an appropriate order.

5. We would like to reiterate that besides making no comment on the merits of the claim of the applicant, this order



is also not to be construed as an adjudication upon the issue of limitation.”

2. The grievance of the petitioner as urged by Mr.Shukla, learned counsel for the petitioner is only in respect of the observation made by the Tribunal which reads, as “this order is also not to be construed as an adjudication upon the issue of limitation”. The submission of Mr. Shukla is that in the facts of this case the limitation shall not come in the way of considering the claim of the petitioner by the respondents.
3. By drawing our attention to page 46 of the paperbook, Mr.Shukla submits that it has been the stand of the MCD even in similar cases that any monetary claim of an employee is not being released because of the shortage of funds in the MCD. According to him, if a monetary claim is not satisfied because of shortage of funds, then the limitation shall not come in the way to honour such claim.
4. We say nothing except that while considering the representation of the petitioner, the respondent shall also take into consideration the plea urged by Mr.Shukla by relying upon page 46 of the paperbook and pass a reasoned and speaking order in terms of the direction of the Tribunal dated August 09, 2023.
5. The petition is disposed of alongwith pending application, if any.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 20, 2023/v