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

+ **W.P.(C) 1215/2024**

**ANIS AHMED**

.....Petitioner

Through: Mr. Pawan Kumar Dhiman,  
Adv.

versus

**GOVERNMENT NCT OF DELHI & ORS.** .....Respondents

Through: Mrs. Avnish Ahlawat, Standing  
Counsel, GNCTD with Mr. Nitesh Kumar  
Singh, Ms. Laavanya Kaushik, Ms. Aliza  
Alam and Mr. Mohnish Sehrawat, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN**

**JUDGMENT(ORAL)**

**14.10.2024**

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**C. HARI SHANKAR, J.**

1. The impugned order passed by the learned Tribunal reads thus:

“Perusal of the order sheets indicates that there has been no representation on behalf of either of the parties on the past several dates of listing. We are informed that Mr. Kapil Agnihotri, whose name is reflected in the causelists as the counsel for the respondents is no longer on the panel of GNCTD. Perhaps that explains the repeated non representation. In the circumstances, Mr. Amit Anand, learned advocate, who is on the panel of GNCTD and is present in Court, is called upon to appear and take notice of the proceedings in this O.A.

2. The applicant by virtue of the present O.A has sought the following relief(s):-

“(i) call for the records.

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(ii) direct the respondents to re-employ the applicant forthwith.

(iii) direct respondent to pay full salary of the post of principal to the applicant with interest @ 12% p.a. w.e.f. 1.4.2019 w.e.f. 01.04.2019 till his re-employment/attained the age of 62 years, in light-of the principles of law laid down by Hon'ble Delhi High Court in aforementioned WPC No.2448/2016 [A/6].

(iv) allow the OA with cost.

(v) pass such other and further orders which this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case."

3. The applicant, who has appeared in person, has stated that his advocate has become hostile and, therefore, he would like to argue the matter himself. He makes certain wide-ranging allegations against the respondents and submits that the re-employment scheme is marred with irregularities and an honest person like him has been denied appointment.

4. While we take note of these statements, we are of the opinion that with the passage of time the relief being sought for has become redundant rendering this O.A. infructuous. Moreover, his prayer is that he should be given re-employment till the age of 62 as per the scheme. Admittedly, he has crossed that age by now.

5. In view of the position stated above, the O.A. stands dismissed as having become infructuous.

6. There shall be no order as to costs."

2. Aggrieved by the aforesaid order, the applicant before the Tribunal is before this Court under Article 226 of the Constitution of India.

3. We are of the opinion that, while the learned Tribunal is correct in observing that prayer (ii) in the OA had become infructuous with the passage of time, as the petitioner had attained the age of superannuation, prayer (iii) was required to be considered and decided



on merits.

4. The learned Tribunal was clearly in error in holding that the entire OA had become infructuous with the passage of time.

5. Accordingly, we set aside the impugned order dated 17 July 2023 and remand the matter to the learned Tribunal to take a decision on prayer (iii) in the OA after hearing both sides in accordance with law as expeditiously as possible.

6. The petition is allowed to the aforesaid extent.

**C. HARI SHANKAR, J.**

**DR. SUDHIR KUMAR JAIN, J.**

**OCTOBER 14, 2024/N**

*Click here to check corrigendum, if any*

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