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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3461/2021 & CM APPL. 10499/2021 -Stay

GOVT OF NCT OF DELHI & ORS. Petitioner

Through: Mr. V.Balaji, Adv.

versus

RAJESH KUMAR & ANR.

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

19.03.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 02.02.2021 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. 1145/2020. Vide the impugned order, the learned Tribunal has allowed the O.A. preferred by the respondent no.1 and directed the petitioners to issue a “No Objection Certificate” (NOC) to the respondent no.1 to participate in the one year training program namely “Certificate in Fire Technology & Industrial Safety Management” conducted by respondent no.4 (Delhi College of Fire and Safety Engineering).
2. Learned counsel for the petitioner submits that the impugned order is wholly perverse as the learned Tribunal has failed to appreciate that the petitioner as the employer was entitled to examine its administrative requirements to consider whether a NOC could be



granted to any employee for undergoing an external training program. He, therefore, contends that the learned Tribunal could not have issued any such directions for issuance of a NOC in favour of the respondent no.1.

3. Even though we are *prima facie* inclined to agree with the learned counsel for the petitioner, we find that since the impugned order was not stayed by this Court, the respondent no.1 has already undergone the said course.
4. In these circumstances, we are of the view that the present petition has been rendered infructuous and no useful purpose would be served to examine at this stage, the petitioner's plea that no directions for issuance of a NOC could have been passed by the learned Tribunal. We, accordingly, dispose of, as infructuous, the petition alongwith the pending application without expressing any opinion on the question of law raised by the petitioner.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 19, 2024
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