



\$~58

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 6058/2024

DELHI TRANSPORT CORPORATION

..... Petitioner

Through: Ms. Avnish Ahlawat, SC, GNCTD
with Mr. Nitesh Kumar Singh, Adv.

versus

NARENDER KUMAR

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

%

30.04.2024e

CM APPL. 25116/2024 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6058/2024, CM APPL. 25115/2024 –Stay

3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 22.12.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 3667/2023. Vide the impugned order, the learned Tribunal has partly allowed the O.A. filed by the respondent/applicant by directing the petitioner to get the respondent examined by a fresh Medical Board from one of the six approved medical institutions referred to in para 4 of the impugned order.
4. Learned counsel for the petitioner submits that the directions issued



by learned Tribunal were wholly unwarranted as even from the medical certificate produced by the respondent himself, it was evident that he was medically unfit. She, therefore, prays that the impugned order be set aside.

5. Even though this plea of learned counsel for the petitioner appears to be attractive on the first blush, upon an examination of the impugned order, we find that the said directions had been issued with the consent of the learned counsel for the petitioner. We, therefore, find absolutely no reason to interfere with the impugned order, which is clearly a consent order. The writ petition is, accordingly, alongwith the accompanying applications, dismissed.
6. At this stage, learned counsel for the petitioner submits that since the consent before the learned Tribunal, was given by the learned counsel for the petitioner without seeking any instructions from the petitioner, the petitioner will be moving an application seeking recall of the impugned order before the learned Tribunal. We make it clear that if any such application is moved by the petitioner, the same will be considered by the learned Tribunal on its own merits.

REKHA PALLI, J

SAURABH BANERJEE, J

APRIL 30, 2024

al