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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13948/2022, CM APPL. 42662/2022 –Stay & CM APPL.
49898/2022 -Impleadment
SANJAY KUMAR & ANR. Petitioners
Through: Ms. Gauri Puri, Advocate.

versus

EMPLOYEES STATE INSURANCE CORPORATION & ORS.

..... Respondents

Through: Counsel for respondent no.1 to 3
(appearance not given)
Mr. Shlok Chandra, Standing Counsel
ESIC with Ms. Saumya Pandey and
Mr. Sankalp Sharma, Advocates
Mr. Prateek Dhanda, Advocate for R-
4.
Mr. Ankur Roy, Advocate for R-6 to
R-9.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

18.01.2024

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1. The matter has been taken up today as 17.01.2024, the date fixed in the matter was a holiday.
2. The present writ petition under Article 226 and 227 of the Constitution of India seeks to assail the order dated 12.07.2022 passed by the learned Central Administrative Tribunal in O.A 1545/2020.
3. Vide the impugned order, learned Tribunal has allowed the original application preferred by respondent no.4, and has consequently directed the respondent nos. 1 to 3 to recast the seniority list of Deputy Directors appointed/promoted during the period between 2005-06 to 2016-2017.



4. Learned counsel for petitioner submits that since this Court had not stayed the operation of the impugned order, the respondent nos. 1 to 3 have in implementation of the said order, issued a fresh seniority list on 10.04.2023 which has already been assailed by the respondent no.4 and his O.A. is pending consideration before the learned Tribunal. She further submits that since this fresh seniority list does not in any manner prejudice the petitioner, she has instructions not to press the present petition any further.

6. In the light of the aforesaid, once the impugned order stands implemented and the petitioner does not wish to press the petition any further, we see no reason to keep the petition pending any further. The same is, accordingly, disposed of as infructuous. It is, however, made clear that since this Court has not expressed any opinion on legality of the impugned order, it will be open to the petitioner to raise all available grounds including grounds raised in the present petition in their reply to the O.A. filed by the respondent no. 4, which grounds will be considered on their own merits.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 18, 2024/ib