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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 270/2024

RAJENDRA PRASAD YADAV

..... Petitioner

Through: Mr. Pawan Kumar Yadav, Adv.
through video conferencing

Versus

UNION OF INDIA & ANR.

..... Respondent

Through: Mr. Vivek Gupta, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

09.01.2024

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1. By way of the present petition, the petitioner, who is the applicant in O.A. No. 524/2023 pending before the learned Tribunal has approached this Court primarily seeking a direction to the learned Tribunal to decide his pending O.A. within one month.
2. Learned counsel for the petitioner submits that by way of the aforesaid OA, the petitioner has approached the Tribunal for seeking a direction to the respondents to promote him to the post of Executive Engineer (Electrical). As the petitioner is superannuating in July, 2025, he has been compelled to approach this Court as despite repeated opportunities, the respondents have till date not filed any counter affidavit before the learned Tribunal. The petitioner, therefore, apprehends that these repeated adjournments are being taken by the respondents only to delay the disposal of his O.A. and, thereby render the same infructuous. He, therefore, prays that the



learned Tribunal be directed not to grant any further time to the respondents and decide his OA within one month, so that the petitioner can enjoy the fruits of his promotion.

3. Having considered the submissions of learned counsel for the petitioner and perused the record, we find that though notice in the O.A. preferred by the petitioner was issued way back on 21.02.2023, till date no counter affidavit has been filed by the respondents. It emerges that since 24.07.2023, the respondents have been repeatedly seeking time before the learned Tribunal to file their counter affidavit, which has not been filed despite last opportunity granted to them on 22.11.2023.
4. Learned counsel for the respondents, who appears on advance notice, assures the Court that the counter affidavit to the O.A. will be positively filed before 18.01.2024 i.e., the next date fixed in the matter before the learned Tribunal. The said statement is taken on record and it is directed that in case the respondents do not file their counter affidavit by 18.01.2024, their right to file the same shall stand closed and the learned Tribunal shall proceed with the matter on the basis of the O.A. itself.
5. However, in case the counter affidavit is filed by 18.01.2024, the petitioner will be granted suitable time to file his rejoinder.
6. Taking into account that the petitioner is superannuating in July, 2025, the learned Tribunal is requested to make an endeavour to decide the O.A. on or before 30.09.2024 so that he can enjoy the fruits of relief, if any, granted to him.



7. The petition is, accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J

TUSHAR RAO GEDELA, J

JANUARY 9, 2024

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