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IN THE HIGH COURT OF DELHI AT NEW DELHI

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**W.P.(C) 11899/2018 & CM APPL. 46106/2018 -Stay
DELHI TRANSPORT CORPORATION & ANR**

..... Petitioner

Through: Mrs. Avnish Ahlawat, Standing
Counsel DTC with Ms. Tania Ahlawat, Mr. Nitesh
Kumar Singh, Ms. Palak Rohmetra, Ms. Laavanya
Kaushik and Ms. Aliza Alam, Advs.

versus

SUNIL KUMAR

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

25.04.2024

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1. The present petition under Article 226 of the Constitution of India seeks to assail the order dated 26.05.2017 passed by the learned Central Administrative Tribunal (Tribunal) in Original Application (O.A.) No. 17/2017. Vide the impugned order, the learned Tribunal has allowed the O.A. filed by the respondent.
2. None appears for the Respondent. The same has been the position for the last many dates.
3. Learned counsel for the petitioners submits that since, while issuing notice in the present petition, this Court had stayed the operation of the impugned order, the petitioners had, based on the directions issued by a Co-ordinate Bench on 13.08.2019 in a batch of petitions,



including W.P.(C) 1111/2017, conducted a fresh medical examination of the respondent. After the respondent was again found medically unfit, he was, after being served with a Show Cause Notice, yet again dismissed from service. This dismissal order, she submits, has not been assailed by the respondent

4. In the light of the aforesaid, even though none appears for the respondent, we are of the considered view that since the petitioners have already, after getting the respondent medically examined again, dismissed him from service; the directions issued in the impugned order have become infructuous and cannot now be implemented. The petition is, accordingly, disposed of by making it clear that the impugned order will no longer be enforceable.

REKHA PALLI, J

SAURABH BANERJEE, J

APRIL 25, 2024

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