



2024:DHC:8804-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 15773/2024, CAV 554/2024, CM APPLs. 66166/2024
& 66167/2024

UNION OF INDIA AND ORSPetitioners
Through: Mr. Ankit Raj, SPC with Mr.
Ali Mohammed Khan and Akash
Chandrayan, Advs. with Dr. Alka Aggarwal
(CMO, LHMC).

versus

NAGMA AND ORSRespondents
Through: Mr. Rezwan, Mr. Azadar
Husain, Ms. Sachi Chopra, Ms. Nistha Sinha
and Mr. Samarth Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER (ORAL)
13.11.2024

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W.P.(C) 15773/2024

1. This writ petition is directed against an *ad interim* order dated 13 September 2024 passed by the Central Administrative Tribunal¹ in OA 3619/2024.

2. We are finding, day in and day out, writ petitions being filed against *ad interim* orders passed by the Tribunal which are only to

¹ "the Tribunal" hereinafter



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subsist till the next date of hearing. It is always open to the petitioner before this Court to argue before the Tribunal on the next date of hearing regarding continuance of the impugned order. We find no reason why writ petitions should be filed against such orders. We are sanguine that, while rendering the landmark decision in *L Chandra Kumar v UOI*², the Supreme Court never intended that every interim order passed by the Tribunal should be carried in writ to the High Court.

3. The impugned interim order, in the present case, merely directs that the respondents be permitted to continue on the post of ECG (Technician) with the petitioners till the next date of hearing. To a query from the Court, it is acknowledged that at least two of the three respondents were working with the petitioners on the date when the OA was filed. The order is only in force till the next date of hearing.

4. Accordingly, reserving liberty with both sides to argue before the Tribunal on the next date of hearing regarding continuance of the interim order, we decline to interfere in this writ petition, which is accordingly dismissed.

5. We make it clear that, in view of the order passed today, the petitioner is required to comply with the order passed by the Tribunal, subject to any modification or vacation of the impugned order by the Tribunal itself.

² (1994) 5 SCC 539



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6. Pending applications also stand disposed of.

C. HARI SHANKAR, J.

GIRISH KATHPALIA, J.

NOVEMBER 13, 2024/ar

Click here to check corrigendum, if any