

ITEM NO.3

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 434/2020

LT. COL. O.P. DAHIYA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.44502/2020-STAY APPLICATION)

Date : 04-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Narender Hooda, Sr. Adv.
Mr. Shaurya Lamba, Adv.
Mr. Vedant Pardhan, Adv.
Ms. Seema Sindhu, Adv.
Dr. Surender Singh Hooda, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned senior counsel for the petitioner seeks to rely upon the orders passed in Civil Appeal No.2627/2020 arising out of SLP (C) No.6618/2020, connected appeals and writ petitions to invite the same order as passed in those proceedings on 18.6.2020.

A perusal of that order shows that the observations of this Court are that the matter should be decided on merits without being influenced by the fact that some other petitions involving a common point are pending before this Court. As a matter of record those petitions, in any case, stands decided now. If we peruse the

Order dated 16.3.2020, it transpires that SLP (C) No.6288/ 2020 was passed against the same impugned order but that was dismissed as withdrawn with liberty to pursue writ petition which is the present proceeding.

Learned senior counsel thus submits that the directions to be passed by this Court would actually be to set aside the impugned order in SLP (C) No.6288/2020 dated 05.3.2020 which was a common order and the petition filed before the High Court would have to be taken on board to be decided on merits.

It appears that in all similar matters both special leave petition(s) and writ petition(s) were filed though the slight complication in the present matter is that the special leave petition stands withdrawn but the writ petition survives.

In view of the aforesaid facts and circumstances, we deem it appropriate to pass an order directing WP (C) No.6187/2020 to be taken on board by the High Court, the impugned order therein passed is set aside and that the matter be decided on merits and the present petition stands disposed of in the aforesaid terms.

Pending application(s) stands disposed of.

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER