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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 315/2020, CM APPL. 27035/2020 (for filing additional document) & CM APPL. 27036/2020 (for substitution).
SHREEPAL & ORS. Appellants

Through: Ms. Richa Kapoor and Ms. Surabhi Katyal, Advocates.

versus

UNION OF INDIA THROUGH ITS SECRETARY
MINISTRY OF HUMAN RESOURCES AND
DEVELOPMENT & ORS. Respondents

Through: Mr. Ajay Digpaul CGSC and Mr. Kamal R Digpaul, Mr. Amit Gupta, Mr. Vinay Yadav, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. R. Venkat Prabhat, Advs. for Respondent/IOI

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
21.01.2021

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[VIA VIDEO CONFERENCING]

1. The counsel for the appellants states that all the respondents have not filed the counter affidavits and a rejoinder would be required to be filed to the counter affidavits filed by the respondents.
2. We have however enquired from the counsel for the appellants, the need for counter affidavit to an appeal and rejoinder thereto, inasmuch as an appeal is to be argued on the basis of pleadings before the first Court.
3. The counsel for the appellants states that the Respondent no. 1 and 2 Union of India (IOI), though before the Single Judge had taken a stand that it is a proforma respondent but the Single Judge in the impugned judgment



has held that though the executive council of the IIT, Delhi had approved of following the recommendations of the 5th Central Pay Commission but the approval of Respondent no. 1 and 2 UOI had not come and thus there is a need for counter affidavit of the Respondent no. 1 and 2 UOI to be filed in this appeal at least.

4. The counsel for the Respondent no. 1 and 2 UOI seeks two weeks' time to file counter affidavit.
5. Counter affidavits by whichsoever respondents have not been filed, be filed within four weeks.
6. Rejoinders, if any, thereto within further four weeks thereafter.
7. Whichsoever documents on record of the Single Judge have not come on record, to be brought on record by whichsoever counsel wants to rely thereon.
8. List for hearing on 29th April, 2021.

RAJIV SAHAI ENDLAW, J

SANJEEV NARULA, J

JANUARY 21, 2021
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