



2026.DHC.1386

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 1386/2017

ASHA GUPTA

..... Petitioner

Through: Mr. Anil Nauriya, Advocate.

versus

UNIVERSITY OF DELHI & ANR

..... Respondents

Through: Mr. Ravinder Agarwal, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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12.04.2017

C.M. Appl. No. 13771/2017 (for stay)

1. When this writ petition came up for hearing for the first time along with the interim application seeking stay, the following order was passed on 17.2.2017:-

“W.P.(C) 1386/2017 & CM No. 6405/2017 (stay)

1. Counsel for the petitioner does not press for interim orders at this stage only.
2. Notice. Counsels for respondents accept notice.
3. Counter-affidavits be filed within a period of four weeks. Rejoinder-affidavits be filed within four weeks thereafter.
4. List on 17th May, 2017.”

2. In the writ petition the petitioner claims that petitioner's age of retirement should be 65 years and not 62 years as is sought to be done

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by the employer/respondent no. 1/University of Delhi. Petitioner had pleaded in the writ petition that petitioner had joined respondent no. 1 on the assurance of respondent no. 1 agreeing that the petitioner's age of retirement should be 65 years.

2. If the petitioner was to retire at the age of 62 years the date of retirement would be three years prior to 30.4.2017. Petitioner, however, has worked and has received pay till November, 2016 and the issue in the present writ petition would be the claim of salary from December, 2016 till 30.4.2017 and benefits of retirement at the age of 65 years on 30.4.2017.

3. Surely a final relief which is sought in the writ petition cannot be granted at an interim stage and that too at an ex-parte interim stage on the first date of hearing which was 17.2.2017. After hearing counsel for the petitioner thereafter a speaking order was to be passed referring to these aspects for denying interim orders, but however, counsel for the petitioner after arguments did not press for a speaking order but stated that interim orders are not sought at that stage on 17.2.2017. Of course, not seeking an interim order at that stage would not mean that repeated interim applications can be filed even before the very next date of hearing and which will only be a second date of hearing in the writ petition and that too before pleadings are complete. Merely because the respondent no. 1 has issued its letter dated 28.3.2017 will not furnish a fresh cause of action because every subsequent event is not a fresh cause of action. The issue and the cause of action remains the same of the claim of the petitioner to be



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retired at the age of 65 years and not at 62 years. The letter dated 28.3.2017 attached with the present application therefore is only a follow up of the stand which is already taken up by respondent no. 1.

4. I find that certain litigants and counsels would never be seem to be satisfied till the orders as prayed for are granted to them. This is an unacceptable practice. After a Court hears a matter, understands a matter and passes an order, the litigants and the lawyers must understand the *laxman rekha*, which unfortunately in this case is found to be lacking.

5. In view of the aforesaid facts since the first returnable date is fixed on 17.5.2017, and no fresh cause of action has arisen, and on 17.2.2017 it is recorded that interim orders are not pressed at that stage meaning thereby that grant of interim order will be considered/examined after completion of pleadings, accordingly, this application, being completely misconceived and an abuse of process of law, is dismissed.

VALMIKI J. MEHTA, J

APRIL 12, 2017

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