

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (Civil) Nos.11136-11137/2005
(From the judgement and order dated 08/07/2004 in WP No. 9282/2004 of
the High Court of Delhi at New Delhi and against order dated 3.12.2004 in
R.A. 284/2004 in WP No. 9282/2004 of The HIGH COURT OF DELHI AT
N. DELHI)

KAMLESH Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
(With office report)

Date: 28/03/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. Ashok Panigrahi, Adv.
Mr. Amit Chaddha, Adv.
Ms. Ritu Raj, Adv.
Mr. Anil Shrivastav, Adv.

For Respondent(s) Mr. A Sharan, ASG
Mr. S Wasim A Qadri, Adv.
Mr. J.Ahmad Khan, Adv.
Mrs. Anil Katiyar, Adv.
Mr. V.K. Verma, Adv.

UPON hearing counsel the Court made the following
ORDER

While dismissing the writ petition filed by the petitioner
herein, the High Court in paragraph 11 of the impugned order
observed as under :

"Having regard to the aforesaid position in
law, we do not find any merit in these petitions. We
may point out at this stage that the learned counsel
for the respondents stated at the bar that the
petitioners are discontinued and replaced by regular
incumbents who had joined the services. He also
submitted that the petitioners were considered in
the regular selection process but were not selected."

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SLP(C) No. 11136-11137/05 (It. 35,Ct.8 Dt. 28/03/2008

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Learned counsel for the petitioner states that the dismissal
of the writ petition is not in accordance with law. It was not a case
where regular incumbents have joined. For the said purpose he
wanted to rely upon the information received by him pursuant to
the demand made by the petitioner under the Right to information
Act, 2005. In our opinion, it would be appropriate if we grant
liberty to the petitioner to approach the High Court so as to enable
the High Court to pass an appropriate order in accordance with
law. The special leave petitions are dismissed without observing
anything on merits.

