

ITEM NO.15 Court 1 (Video Conferencing) 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).1027/2021

JUSTICE (RETD) ASHOK IQBAL SINGH CHEEMA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.115323/2021-GRANT OF INTERIM RELIEF and IA No.115324/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 16-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Arvind P. Datar, Sr.Adv.
Mr. Kunal Cheema, AOR

For Respondent(s) Mr. K.K. Venugopal, AG
Mr. B.V. Balaram Das, Adv.

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

The Court is convened through Video Conferencing.

The application for exemption from filing affidavit is allowed.

Heard learned senior counsel appearing on behalf of the petitioner as also Mr. K.K. Venugopal, learned Attorney General for India and carefully perused the material placed on record.

During the course of hearing, learned Attorney General fairly states that respondent No.1 - Union of India has no objection in accepting the prayer `C' made by the petitioner in the present writ petition and to allow the petitioner to work upto 20.09.2021 as the Officiating Chairperson, National Company Law Appellate Tribunal, New Delhi to enable him to pronounce the judgments prepared by him. The prayer `C' as contained in the Writ Petition reads as follows:

“(C) Issue a Writ of Mandamus or in the nature of Mandamus or any other appropriate Writ which this Hon’ble Court deems fit, directing the Respondent no.1 to include the period from 11.09.2021 to 20.09.2021 as part of continuous service of the Petitioner as the Officiating Chairperson, National Company Law Appellate Tribunal, New Delhi in terms of communication dated 16.07.2021 bearing no.A-40012/1/2020 - Ad.IV (Annexure P/12) and pay all service benefits accordingly.”

Learned Attorney General further submits that after acceptance of the above-mentioned prayer ‘C’ made by the petitioner in the instant writ petition, consequential order will be passed by the respondents forthwith. It is also the submission of the learned Attorney General that respondent No.3 will proceed on leave upto 20.09.2021.

Taking note of the submissions advanced by the learned Attorney General for India, the writ petition stands disposed of in the above terms.

We make it clear that the instant order has been passed taking into consideration the peculiar facts and circumstances of the present facts and this shall not be treated as a precedent.

Consequent upon disposal of the writ petition, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)