

MC 1502/2007

BEFORE

HON'BLE THE CHIEF JUSTICE MR J CHELAMESWAR

HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr AM Mazumdar, learned senior counsel for the applicant/respondent No.6 and Mr KN Choudhury, learned senior counsel for the writ petitioner.

This Misc Case has been filed by the respondent No.6 for modification of this court's order dated 31-8-06 whereby the applicant has been prevented from resuming his office as CMD of NEEPCO.

It is seen that the applicant respondent No.6 has submitted his resignation on 21-7-06 from the post of CMD, NEEPCO and the said resignation has since been accepted by the competent authority by an order dated 15-11-06.

The order dated 15-11-06, whereby the resignation of the applicant has been accepted, has been put to challenge in a writ petition filed by the applicant before the Delhi High Court in WP(C) No.19215/06 and the Delhi High Court passed certain interim order in the said case.

Under the circumstances, we are of the view that there is no need for this court to consider the application filed for modification of the order dated

31-8-06 of this court, whereby the applicant has been debarred from re-joining his duties as CMD, NEEPCO, as it appears that his resignation from the said post has already been accepted and acted upon by the competent authorities.

As the Delhi High Court is examining the issue of resignation of the applicant from the post of CMD, NEEPCO, it may not be appropriate for this court to consider at this stage the PIL filed against the applicant levelling various charges against him while he functioned as the CMD of NEEPCO.

Accordingly, it is directed that the PIL be placed before this court for appropriate orders once the Delhi High Court disposes of the writ petition filed by the applicant.

The learned counsel for the parties are permitted to mention the PIL, once the Delhi High Court disposes of the writ petition.