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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2547/2013**

UNION OF INDIA

..... Petitioner

Represented by: Mr.Ankur Chhibber, Advocate

versus

V.K.GUPTA AND ORS

..... Respondents

Represented by: Mr.Manish Garg, Advocate for R-1
Mr.Naresh Kaushik, Advocate with
Mr.Vardhman Kaushik, Advocate for
R-2

W.P.(C) 2626/2013

UNION OF INDIA

..... Petitioner

Represented by: Mr.Ankur Chhibber, Advocate

versus

RAMESH CHANDER AND ANR.

..... Respondents

Represented by: Mr.Manish Garg, Advocate for R-1
Mr.Naresh Kaushik, Advocate with
Mr.Vardhman Kaushik, Advocate for
R-2

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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12.07.2013

1. With consent of learned counsel for the parties we set aside the impugned order passed by the Tribunal on November 01, 2012 disposing of

W.P.(C) 2547/2013 & W.P.(C) 2626/2013

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OA No.1056/2012 and OA No.1071/2012, and remand the matter.

2. The reason for the remand is the law declared by the Supreme Court in various decisions which have been noted by a Division Bench of this Court in its opinion dated April 12, 2013 deciding a batch of matters, lead matter being W.P.(C) No.8102/2012 UOI & Anr. Vs. K.L.Taneja & Anr. which needs to be considered by the Tribunal in view of the facts.

3. The additional reason for the remand is that there are incomplete pleadings by either side. It appears that pursuant to the DPC which met on April 04, 2012 a promotion order was issued on April 17, 2012, in which 91 persons were promoted with retrospective effect.

4. It would therefore fall for consideration whether the law declared in the various decisions of the Supreme Court noted by a Division Bench of this Court in W.P.(C) No.8102/2012 would be applicable or keeping in view that the persons who were in service when the DPC met on April 04, 2012 were given promotion from retrospective dates would result in some other legal position emerging.

5. Parties join in making a joint statement that the Original Application will be permitted to be amended to which the respondents before the Tribunal would be permitted to file a response and thereafter the Original Applications would be re-decided as per law.

6. Parties shall appear before the Registrar of the Tribunal on August 19, 2013 by which date the Original Applicants before the Tribunal would file formal applications enclosing therewith the amended Original Applications. The formal applications would be allowed by the Registrar and the Original Applications as amended would be taken on record.

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Opportunity shall be granted to the respondents before the Tribunal to file a response to the amended Original Applications.

6. No costs.

7. DASTI.

CM No.4832/2013 in W.P.(C) No.2547/2013

CM No.4979/2013 in W.P.(C) No.2626/2013

Dismissed as infructuous.


PRADEEP NANDRAJOG, J.


V. KAMESWAR RAO, J

JULY 12, 2013

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