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

+ W.P.(C) 4266/2014

% *Judgment dated 8th October, 2015*

P.K. CHATURVEDI

..... Petitioner

Through : Mr.Sanjay Kumar Pathak, Ms.K.
Maomudi Kiran Pathak, Mr.Sunil Kumar
Jha and Mr.Kushal Raj Tater, Advts.

versus

UNION OF INDIA & ORS.

..... Respondents

Through : Mr.Shivanath Mahanta, Advts. for
respondents no.1 to 3.
Mr.Rajesh Gogna, CGSC and
Ms.Niimisha Kaul, Adv. for respondent
no.4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking a direction to quash/set aside the Order dated 16.4.2014 passed by Central Administrative Tribunal (hereinafter referred to as the "*Tribunal*") in O.A.No.2509/2012.
2. It is not necessary to notice detailed facts of this matter as during the course of hearing a short affidavit has been filed by DoPT, which is being represented through Union of India (respondent no.4 herein), which admittedly was not placed on record before the Tribunal.
3. Learned counsel for the petitioner submits that had the stand of DoPT been placed before the Tribunal, the result of the OA filed before the Tribunal would have been different, as the DoPT has taken a categorical

stand that the case of the petitioner was not one of re-employment and, secondly, the OM, sought to be relied upon by respondents no.1 to 3, would not be applicable to the case of the petitioner.

4. We have heard counsel for the parties. Having regard to the submissions made, we say no more as it may adversely affect the rights of the parties but we deem it appropriate, with the consent of the parties, to set aside the impugned Order dated 16.4.2014 passed by the Tribunal and remand the matter back to the Tribunal.
5. As agreed, interim order, which was granted by the Tribunal and continued by this Court, shall continue. We grant leave to the parties to place additional documents on record within two weeks. The matter would be decided by the Tribunal on the basis of additional documents filed and the existing pleadings on record.
6. It would be open for the petitioner to seek his pensionary benefits and the said request of the petitioner shall be considered by the Tribunal in accordance with law and expeditiously.
7. Petition stands disposed of in above terms.

CM APPL. 8581/2014 (STAY).

8. Application stands disposed of in view of the order passed in writ petition.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 8th, 2015

msr