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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7705/2014 & C.M. APPL. 6880/2015**

Date of Judgment : 21.08.2015

R.N. SRIVASTAVA Petitioner
Through : Mr. Sudarshan Rajan and Mr. Ramesh
Rawat, Advocates.
versus
UNION OF INDIA & ORS Respondent
Through : Mr. Kirtiman Singh, CGSC with
Ms. Perna Shah Deo, Mr. Waize Ali
Noor and Mr. Gyanesh Bhardwaj,
Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. Aggrieved by the order passed by the Central Administrative Tribunal dated 31.03.2014 has led to the filing of the present writ petition. Counsel for the petitioner submits that the petitioner along with 11 others who were similarly placed had filed an O.A. before the Central Administrative Tribunal (being O.A. No. 2430/2012) wherein O.M. dated 13.01.2012 was assailed. The O.A. was disposed of by an order of the learned Tribunal dated 25.07.2012. The learned Tribunal had allowed the O.A. No. 2430/2012 by granting an opportunity to the petitioners to submit their representations after the documents were supplied to them and also directed the respondents to pass a speaking order. Leave was granted to the petitioners to assail the speaking order if the same was passed against them. The speaking order was passed against the petitioners which led to the second round of

litigation. Since in the meanwhile the petitioner had superannuated on 31.07.2012, he filed a separate O.A. while the 10 other petitioners filed a separate O.A. It is the case of the petitioner that he is identically placed as the other petitioners who filed a separate OA. Counsel further submits that the submission made before the Tribunal has been noticed in Para 12 of the impugned order that the O.A. filed by the 10 others being ***O.A. No. 4008/2012 titled as I. D. Sharma & Ors. Vs. Union of India*** was allowed. The petitioner claimed parity. Para 12 of the impugned order reads as under :

“12. The learned counsel for the applicant during oral arguments submitted that the present O.A. may be disposed of in line with the order dated 10.10.2013 passed by the Tribunal in O.A. No. 4008/2012 (I.D. Sharma and Others Vs. Union of India and Others). The learned counsel appearing for the respondents also agreed to the said submission. With a view to considering the above submission, it would be appropriate to quote the order dated 10.10.2013 (ibid):

- 1. The applicants filed the present OA questioning the impugned order dated 20.11.2012 wherein the respondents have rejected the claim of the applicants for granting MACP benefits, which was originally granted and withdrawn later.*
- 2. Now, the respondents have filed a short counter affidavit stating that the applicants are entitled for the relief claimed by them.*
- 3. In view of the stand taken by the respondents, the O.A. is allowed, and the respondents are directed to pass appropriate speaking and reasoned orders on the claim of the applicants within eight weeks from the date of receipt of a copy of this order. No order as to costs.”*

2. Mr. Rajan submits that after noticing that both the petitioners and the respondents were in agreement that the petitioner would be entitled to the same order passed by the Central Administrative Tribunal on 10.10.2013, the O.A. of the petitioner was dismissed in the following manner :

“In the instant case, the applicant has prayed for a direction to respondents to release the pensionary benefits/terminal benefits on the basis of Grade Pay of Rs.5400/- and to pay interest on delayed payment, and the respondents have filed a detailed counter resisting the claim made by the applicants. In view of this, the submission of the learned counsel is untenable. In the light of the above discussions, I hold that the Original Application is devoid of merit. Accordingly, the O.A. is dismissed. No costs.”

3. Mr. Rajan, submits that the impugned order is devoid of any reasons as to why the petitioner should not have been granted the same relief as granted in the case of ***I.D. Sharma and Others Vs. Union of India and Others*** more particularly when the respondent had conceded before the Central Administrative Tribunal.
4. Heard. Having regard to the stand taken by the respondent before the CAT as noted above, we deem it appropriate to remand the matter back to the learned Tribunal as the order does not disclose the reasons of dismissal of the O.A. Since the pleadings are already complete in the O.A., we hope that the matter would be disposed of within a period of one month by the learned Tribunal.

5. List before the learned Tribunal on 14th September, 2015.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 21, 2015/sc