

\$~24.

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

+ W.P.(C) 7808/2015

% *Judgment dated 17th August, 2015*

UNION OF INDIA & ORS Petitioners
Through : Mr.Rajesh Katyal, Adv.

versus

ASHOK KUMAR AGGARWAL Respondent
Through : Mr.S.K. Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

CM APPL. 15481/2015

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 7808/2015

3. Present petition has been filed by the petitioner under Article 226 of the Constitution of India seeking a direction to recall the Order dated 23.4.2014 passed by the Central Administrative Tribunal (hereinafter referred to as the "*Tribunal*") in O.A.No.1311/2014 and quash the same.
4. In this case, the respondent had approached the Tribunal by filing O.A.No.1311/2014 under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the petitioners herein for release of his annual increments, which became due to the respondent herein, during the period he remained under suspension. It was also prayed by the respondent that petitioners be also directed to release his arrears of pay/subsistence allowance.
5. Notice. Learned counsel for the respondent accepts notice.

6. Learned counsel for the petitioners submits that the learned Tribunal has allowed the O.A. without issuing notice to the petitioners and without giving any opportunity of hearing to the petitioner.
7. We have heard learned counsel for the parties and also perused the impugned Order dated 23.4.2014 passed by the Tribunal. We find force in the submission made by learned counsel for the petitioner. It may be noticed that on 23.4.2014, the Tribunal without issuing notice to the petitioners herein in the aforesaid O.A. allowed the O.A. and directed the petitioners to release the increments of the respondent, which had become due during the period of his suspension with all consequential benefits.
8. Accordingly, the impugned Order dated 23.4.2014 passed by the Tribunal in O.A.No.1311/2014 is set aside and the matter is remanded back to the Tribunal for a fresh hearing. The parties shall appear before the Tribunal on 2.9.2015.
9. Petition stands disposed of in view of above.

CM APPL. 15480/2015.

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

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 17, 2015 msr /