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

+ **W.P.(C) 12201/2015**

% ***Judgment dated 23<sup>rd</sup> December, 2015***

UNION OF INDIA & ANR ..... Petitioners

Through : Mr.Jasmeet Singh, CGSC, Mr.Srivats  
Kaushal and Ms.Astha Sharma, Advs.

versus

RAM KUMAR & ORS ..... Respondents

Through : Mr.A.K. Trivedi, Adv. for respondents.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL**

**G.S.SISTANI, J (ORAL)**

**CM APPL. 32398/2015**

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

**W.P.(C) 12201/2015**

3. Challenge in this writ petition is to the order dated 19.3.2015 passed by Central Administrative Tribunal (in short '*Tribunal*'), by which the O.A. filed by the respondents herein have been allowed and the petitioners (respondents before the Tribunal) have been directed to grant pay scale of Rs.5500-9000/- to the respondents.
4. Learned counsel for the petitioners submits that before the Tribunal he had raised a preliminary objection with regard to the maintainability of the O.A. on the ground of delay and laches and has also placed reliance on a

decision rendered by the Supreme Court of India in the case of *State of Orissa v. Mamata Mohanty*, reported at (2011) 3 SCC 436. Counsel further submits that the learned Tribunal despite having noticed the objection has failed to return any finding on the same and has also not given reasons for allowing the O.A. except that a similar benefit had been granted to the applicants in O.A.No.1519/2000 and O.A.No.1127/2010 and in case the similar benefit is not granted to the respondents, it would lead to discrimination.

5. After some hearing in the matter, it is agreed between counsel for the parties that the impugned order dated 19.3.2015 be recalled and the matter be remanded back to the Tribunal for fresh hearing based on the pleadings already on record. Ordered accordingly. The parties shall appear before the Tribunal on 21.1.2016. Parties agree not to seek any unnecessary adjournment before the Tribunal.
6. Writ petition stands disposed of in above terms.

**CM APPL. 32396/2015 (STAY)**

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

**G.S.SISTANI, J**

**SANGITA DHINGRA SEHGAL, J**

**DECEMBER 23, 2015**

msr