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

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Judgment delivered on: 14.12.2016

+ W.P.(C) 8156/2016

R S GUPTA

..... Petitioner

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner

: Mr. Ranjan Roy, Adv.

For the Respondent

: Mr. Saurabh Chadda, Adv. with Mr. Ajay Kumar, LA, DOE

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner is aggrieved by the order dated 01.08.2016. It is contended that the appeal of the petitioner has been disposed of by the impugned order in the absence of the petitioner.

2. It is contended that the appeal of the petitioner was listed on 29.07.2016. On the morning of 29.07.2016, the petitioner who was travelling by his motorcycle met with a road traffic accident. Because of heavy rain on the previous night, the motorbike of the petitioner slipped and the petitioner sustained injuries on his shoulder. The petitioner was advised bed rest.

3. It is contended that the petitioner could not appear before the Commission on account of the fact that he met with the accident while he was on his way to attend the hearing. The petitioner thereafter approached the Commission for recall of the order. However, the request was not acceded to. The petitioner has also annexed a copy of the medical certificate.

4. Learned counsel for the respondents submits that the impugned order is justified in the facts and circumstances of the case. However, with regard to the absence of the petitioner from the hearing on 29.07.2016, learned counsel for the respondents submits that the same is a matter of record and he would not be in a position to controvert the contention of the petitioner.

5. The impugned order dated 01.08.2016 consequent upon hearing on 29.07.2016, no doubt is a detailed order, however, the same has been passed without hearing the petitioner who was the appellant.

6. The petitioner has explained the reasons for his absence from the hearing on 29.07.2016. Without commenting on merits of the order, it is deemed appropriate that the petitioner be given an opportunity of hearing before the Commission.

7. In view of the above, the impugned order dated 01.08.2016 passed consequent to the hearing on 29.07.2016 is set aside. The appeal is restored to its original number on the file of Central Information Commission. The Commission is directed to list the

matter for hearing on a date appropriate to the Commission, with due intimate the parties, and dispose of the appeal in accordance with law.

8. It is clarified that this Court has not examined the merits of the impugned order and the said order has been set aside solely on the ground that the petitioner could not attend the hearing on 29.07.2016 on account of his accident and the order has been passed in his absence.

9. The writ petition is allowed in the above terms. No order as to costs.

10. Copy of the order be given dasti under signature of the Court Master.

DECEMBER 14, 2016
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SANJEEV SACHDEVA, J