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

+ W.P.(C) 1762/2016

UNION OF INDIA & ANR Petitioner
Through Mr. Arun Bhardwaj, Advocate.

versus

DR. S.K. SRIVASTAVA & ORS Respondent
Through Mr. R.K. Kapoor and Ms. Kheyali,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **02.03.2017**

After some hearing, counsel for the respondents states that he has no objection if similar order as passed in W.P. (C) No.46/2016, *Union of India & Ors. Vs. All India NIC S & T Officers' Association and Another* on 8th January, 2016, remanding the case to the Tribunal for fresh consideration, is passed in the present matter also.

2. In the present case, the respondents herein had filed OA No.3910/2014, which was listed for the first time before the Principal Bench of the Central Administrative Tribunal on 5th November, 2014, and was disposed of with the following observations:-

“6. Shri Rajinder Nischal, learned counsel appeared on behalf of all the respondents on receipt of advance copy of this OA.

7. In view of the submissions made by the learned counsel for the applicants, we dispose of this OA with the direction to the respondents to consider the case of the applicants also in terms of aforesaid orders of this Tribunal as well Hon’ble High Court and pass appropriate orders within a period of one month from the date of receipt of a copy of this order. If the cases of the applicants herein are found to be covered by aforesaid OAs 1111/2012 and 2276/2013, then they will be extended the same benefits as granted to the applicant in those OAs. No costs.”

3. The respondents before us thereafter filed Contempt Petition No.91/2015.

4. In these circumstances, as the petitioners herein had interpreted the observations and directions given in paragraph 7 above differently, they have filed the present writ petition. It is apparent from the above quotation that the order dated 5th November, 2014 was passed without giving notice to show cause, opportunity to respond/file reply and hear arguments on behalf of the petitioner.

5. In identical circumstances, a Division Bench of this Court in *All India NIC S & T Officers’ Association and Another* (supra), after referring to other decisions, had quashed the order under

challenge and remanded the case for fresh decision to the Tribunal.

6. In these circumstances, we would accept the prayer made and set aside and quash the order dated 5th November, 2014, with an order of remand to the Tribunal for fresh decision in OA No.3910/2014.

We clarify that we have not expressed any opinion on merits.

7. To cut short the delay, it is directed that the parties will appear before the Tribunal on 17th April, 2017, when a date of hearing will be fixed.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MARCH 02, 2017

NA