

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 5751/2017  
GNCT OF DELHI & ANR.

Through: Mr. Rajat Joseph, Advocate.

ASSISTANT SUB INSPECTOR SATYABIR SINGH

Through: Mr. Sourabh Ahuja, Advocate.

**ORDER**  
**12.07.2017**

**Caveat No.623/2017**

1. Learned counsel for the caveator has appeared.
2. Accordingly, the caveat stands discharged.

3. Exemption allowed, subject to all just exceptions.
4. The application stands disposed of.

**W.P.(C) 5751/2017 and C.M. No.23935/2017**

5. The petitioners assail the order dated 13.12.2016 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No.3818/2014 and MA No.3306/2014.

6. The limited submission advanced by learned counsel for the petitioners is that the aforesaid MA No.3306/2014 had been preferred by the respondent applicant to seek condonation of 648 days delay in filing the Original Application. The petitioners had also filed their reply before the Tribunal raising the plea of limitation. However, while passing the impugned order, the Tribunal appears to have completely overlooked the fact that the Original Application was barred by limitation, and has not passed any order either allowing or disallowing the application seeking condonation of 648 days delay in filing the Original Application.

7. Learned counsel for the respondent/ caveator, on the other hand, submits that, in fact, there was no delay in filing the Original Application. The application had been moved by way of abundant caution. He submits that since the issue is already pending before the Supreme Court (a fact taken note by the learned Tribunal in the impugned order itself), the respondent could have preferred the Original Application even after the decision of the Supreme Court had been rendered.

8. He further submits that on merits the petitioners have no case. He places reliance on the decision of W.P. (C.) No.217/2017 decided on 11.01.2017 titled ***GNCTD v. SI Devender Kumar***, whereby the writ petition preferred by the petitioner against a similar order of the Tribunal was

dismissed by placing reliance on the earlier decision of the Division Bench in *Commissioner of Police & Others Vs. Sunil Kumar*, W.P. (C.) No.2414/2012 decided on 06.05.2013.

9. The Tribunal has clearly not decided MA No.3306/2014 while passing the impugned order. It appears that the fact that the Original Application was filed with the said application escaped the attention of the Tribunal while passing the impugned order.

10. In these circumstances, we have no option but to set aside the impugned order and remand back the matter to the Tribunal. The Tribunal shall first deal with MA No.3306/2014 preferred by the respondent applicant, and thereafter, proceed to deal with the Original Application.

11. We make it clear that we have not commented on the merits of the decision rendered by the Tribunal.

12. The petition stands disposed of in the aforesaid terms.

**VIPIN SANGHI, J**

**REKHA PALLI, J**

**JULY 12, 2017**

*B.S. Rohella*