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

+ **W.P.(C) 9620/2017 & CM No.39163/2017 (for stay)**

**DIRECTOR GENERAL, INDIAN COUNCIL FOR
AGRICULTURAL RESEARCH AND ANR. Petitioners**

Through: Mr.Rajeev Sharma with
Ms.Radhalakshmi R., Advocate.

versus

SANJEEV KUMAR Respondent

Through: Mr.Chittaranjan, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 31.10.2017

1. The petitioner ICAR is aggrieved by the order dated 27.09.2016 passed by the Tribunal in O.A. No.3286/2016 filed by the respondent. The record reveals that the aforesaid O.A. was filed by the respondent herein on 26.09.2016 and it was listed before the Tribunal on 27.09.2016. Without issuing notice therein and in the absence of the respondent and/or its counsel, the Tribunal proceeded to dispose of the said O.A. and has allowed the same on the basis of the averments made in the Original Application itself.

2. Mr. Sharma, learned counsel for the petitioner states that as a result of the Tribunal allowing the aforesaid petition, on the date of admission itself, the petitioner has been deprived of an opportunity of hearing to put forth its case on merits.

3. Notice. Learned counsel for the respondent accepts notice and concedes that the order dated 27.09.2016 was passed behind the back of the petitioner and without issuing any notice.
4. In view of the admitted position, the impugned order dated 27.09.2016 is quashed and set aside and the matter is remanded back to the Tribunal for a fresh hearing in O.A. No.3286/2016. The parties shall appear before the Tribunal on 16.11.2017 on which date the petitioner shall be granted time to file reply to the O.A. and after completion of pleadings, arguments shall be heard by the learned Tribunal on merits and appropriate order passed, in accordance with law.
5. The petition is disposed of along with the application.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 31, 2017

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