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

+ **W.P.(C) 4528/2018 & CM APPL. 17513/2018**

UNION OF INDIA & ANR

..... Petitioner

Through: Mr. R.V. Sinha, A.S. Singh and Amit
Sinha, Advocates

versus

PRAKASH CHANDRA TRIPATHI

..... Respondent

Through: Mr. M.K. Bhardwaj, Advocate

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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26.10.2018

Issue notice. Mr. Bhardwaj accepts notice on behalf of the respondent. He states that considering the order that the court proposes to pass, he does not wish to file any counter-affidavit.

The petitioner Union of India has preferred this petition to assail the order dated 13.12.2016 passed in O.A. No.4409/2014. The tribunal has allowed the said O.A. preferred by the respondent and held that he is entitled to the upgradation under the ACP and MACP schemes. While doing so, the tribunal has placed reliance on the order dated 16.12.2008 in O.A. No. 1063/2008. A perusal of the impugned order shows that the tribunal has neither recorded and considered the facts of the present case, nor the fact and the ratio in the decision rendered in O.A. No. 1063/2008 decided on

16.12.2008. The reading of the impugned order does not disclose the basis on which the relief has been granted to the respondent/ applicant.

In our view, the tribunal should have recorded all the relevant facts and the basis on which the relief was granted to the respondent/ applicant. Accordingly, we set aside the impugned order and remand the matter back to the tribunal for reconsideration and for passing a detailed order after hearing the learned counsels. We make it clear that we have not gone into the merits of the respondents claim and it shall be open to the tribunal to take its own view.

The parties shall appear before the tribunal on 29.11.2018.

VIPIN SANGHI, J

A. K. CHAWLA, J

OCTOBER 26, 2018

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