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

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+ **LPA 431/2018**
TAHSILDAR Appellant

Through: Mr Ravindra S. Garia, Advocate with
Appellant in person.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Chandan Kumar, Advocate.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

% **ORDER**
30.11.2018

1.In Ground (D) of the writ petition, the Appellant alleged that he had been deliberately denied outstanding grading by giving him arbitrary low rating “on very subjective criterion in a malafide manner as a continuation of his harassment for being a Scheduled Caste candidate by isolating him, denying him of resources and opportunities for meeting challenging tasks and projects, subjecting him to frivolous complaints and also abusing him by caste telling him that his degrees etc. do not matter and amount to Chamre Ka Sikka”

2. In ground (G) of the writ petition, the Appellant averred as under:

“G. Because after the Petitioner filed a case under The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against Respondent no.5 and other officers, the harassment has acquired serious dimensions and the Petitioner is being repeatedly threatened that more departmental disciplinary actions will be initiated against him to remove him from service unless he takes back the complaint against Respondent No. 5 and other officers and withdraws his challenge to illegal appointment and promotion of the Respondents No. 3 & 4.”

3. It appears that the writ petition of the Appellant was dismissed on the very first day without even calling for a reply from the Respondents. From the impugned order it further appears that in fact none appeared for the Respondents. The Court is the view that in view of the allegations as serious as the above, a response of the Respondents ought to have been called for. This was not a case for *in limine* dismissal of the writ petition on the very first hearing.

4. On this short ground, the impugned judgment dated 22nd May 2018 of the learned Single Judge is set aside. Writ Petition (C) 5523 of 2018 is restored to the file of the learned Single Judge. The hearing in the writ petition will proceed by issuing notice to the Respondents and calling for their respective responses and then proceeding afresh in accordance with law, uninfluenced

in any manner by the order dated 22nd May, 2018 that has been set aside.

5. Writ Petition (C) 5523 of 2018 be listed before the learned Single Judge on 17th January, 2019 for directions.

6. The appeal is allowed in above terms. *Dasti*.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 30, 2018/rd