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

+ W.P.(C) 8410/2018 & C.M. Nos.32317-32318/2018 (for exemption)

BIHAR RPNN LTD. EMPLOYEES UNION & ORS..... Petitioners

Through: Mr.Vikalp Mudgal & Mr.Kshitij
Mudgal, Advs.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr.Paritosh Budhiraja, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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10.08.2018

1. The limited grievance raised by the petitioners in the present petition is for issuing directions to the Central Administrative Tribunal to expeditiously dispose of OA No.4247/2017 filed by them.

2. Learned counsel for the petitioners states that initially, the petitioners had approached the High Court in the year 2001 and filed a writ petition registered as W.P.(C) No.1052/2001 praying *inter alia*, for issuing directions to the respondent No.2 to extend the benefits of an office order dated 29.05.1998 on the ground that they were similarly situated as other employees for purposes of payment for application of IDA pattern to them w.e.f. 01.01.1992. Learned counsel submits that the aforesaid petition remained pending in the High

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Court for final arguments till 16.11.2017, when the learned Single Judge directed that the said petition ought to be transferred to the Central Administrative Tribunal for a decision as the respondent No.2/Corporation has been brought within its jurisdiction. Accordingly, the writ petition was directed to be transmitted to the Central Administrative Tribunal for being registered as a Transferred Application and for further proceedings.

3. Learned counsel for the petitioners states that though the aforesaid order was brought to the notice of the Registrar of the Tribunal, instead of registering the writ petition as a Transfer Application, it was registered as a fresh Original Application and assigned O.A. No.4247/2017. As a result of the aforesaid, the O.A. is being treated as one filed in the year 2017 instead of the year 2001.

4. Learned counsel submits that though the aforesaid O.A. has been listed on several dates before the Tribunal for arguments, but for one reason or the other, it has not come up for final hearing. As recently as on 05.07.2018, the matter was listed before the Tribunal and had to be adjourned to 28.08.2018, due to paucity of time. It is therefore, requested that directions may be issued to the Tribunal to expeditiously dispose of the O.A.

5. Learned counsel for the respondent No.2 submits that while he has no objection to the aforesaid prayer being allowed, the averment made by the petitioner in the writ petition to the effect

that the respondents have adopted dilatory tactics, is not borne out from the record and in any case, no such attempt was made by the respondents to delay a hearing in the petition.

6. Having heard the learned counsel for the parties and keeping in mind the fact that O.A. No.4247/2017 was originally filed before the High Court in the year 2001 and in terms of the order dated 16.11.2017, the same ought to have been registered as a Transfer Application so that the date of initial filing could be indicated, instead of registering it as an O.A. of the year 2017, the Tribunal is requested to treat the present petition as one filed in the year 2001 and accordingly, give it priority as per its list so that the same can be dispose of expeditiously.

7. The petition is disposed of along with the pending applications.

8. A copy of this order shall be dispatched by the Registry forthwith to the Tribunal for perusal.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 10, 2018

gm/sr