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

+ W.P.(C) 9497/2018 and CM APPL. 36976/2018

SHRI SHISHU PAL Petitioner
Through: Mr. Sachin Chauhan, Advocate.

versus

GOVT. OF NCTD AND ORS. Respondents
Through: Mr. N.K. Singh, proxy counsel for
Mrs. Avnish Ahlawat, Standing Counsel.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **11.09.2018**

1. The petitioner is aggrieved by the order dated 20.07.2018, passed by the Central Administrative Tribunal dismissing O.A. No.1902/2013, filed by him praying *inter alia* for quashing and setting aside a Show Cause Notice dated 10.07.2008, issued by the respondents followed by a punishment of censure dated 13.08.2008 as also the order dated 17.06.2010 passed by the Appellate Authority, dismissing the appeal filed by the petitioner, as being barred by time.

2. The sole plea taken by learned counsel for the petitioner to assail the impugned order is that the same is a non-speaking order and that the Tribunal has not given any reason for dismissing the petitioner's O.A. Learned counsel submits that not even the decisions cited by him before the Tribunal have been discussed in the impugned order.

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3. On a perusal of the impugned order, we are inclined to accept the submissions made by the learned counsel for the petitioner inasmuch as the judgment is a non-speaking one. We find that the OA has been rejected by observing as under:-

“11. Now that the matter was heard at length, it is noted that certain irregularities had come to light which had led to the disciplinary proceedings and are subject matter of the present OA. As regards MA, the time delay is granted and MA is allowed.

12. As regards the subject matter of the OA wherein the disciplinary proceedings has been challenged, since the disciplinary authority had initially passed an order imposing censure and the appellate authority had also considered the matter and rejected the appeal, the disciplinary proceedings are taken to have reached its logical end, hence, the present OA is dismissed, along with a direction to the respondents to revisit the procedural instructions for purchase and remove ambiguity if any and issue necessary clarifications thereof, if needed.”

4. It is thus evident that except for recording the submission of both sides, there is absolutely no reason discernable from the impugned order for rejecting the O.A. filed by the petitioner. In our considered view, the Tribunal being a specialized forum created by the statute for adjudication of disputes and complaints with respect to recruitment and conditions of service of persons specified in Section 14 of the Administrative Tribunal Act, while dealing with an Original Application filed by an employee, is expected to atleast deal with the rival contentions of the parties, howsoever, briefly.

5. For the aforesaid reasons, the impugned order cannot be sustained and is therefore quashed and set aside. O.A. No.1920/2013 is restored to its original position. Since the pleadings are already complete, parties shall appear before the Registrar, Central Administrative Tribunal on 29.10.2018, for a date to be fixed before the concerned Bench, for addressing fresh arguments, whereafter a reasoned speaking order shall be passed.

6. The petition is allowed and disposed of alongwith the pending application.

HIMA KOHLI, J

REKHA PALLI, J

SEPTEMBER 11, 2018

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