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

+ **W.P.(C) 2893/2019**

VIRENDER

..... Petitioner

Through: Mr.Dalip Kumar Santoshi, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr.Yeeshu Jain, ASC for R-1

Mr.Kumar Rajesh Singh, Standing
Counsel for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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25.03.2019

CM APPL. 13435/2019

Exemption allowed, subject to all just exceptions.

W.P.(C) 2893/2019

Issue notice. Counsel for the respondents accepts notice.

In view of the order that we propose to pass, we do not consider it necessary to call for any reply from the respondents. The petitioner has assailed the order dated 03.08.2018 passed by the Tribunal in OA No.2825/2018. The impugned order reads as follows:-

“When this matter was taken up for hearing, it is noticed that no cause of action has arisen at present, as no action has yet been taken by the respondents on amounts claimed as arrears. Accordingly, the OA is dismissed as premature. No costs.”

Firstly, we may notice that the impugned order does not set out any of the relevant facts and does not even set out the grievance of the petitioner and it contains no reasons as to why the Tribunal has concluded that 'no cause of action has arisen at present'. We are dismayed to read the impugned order as the same exhibits complete non-application of mind.

The grievance of the petitioner is that his arrears amounting to Rs.8,72,349/- have not been released to him despite his application made in the year 2015. He claims that the payment of the same to him was approved on the file, in support of which contention, he has placed on record the file noting dated 09.12.2015, which shows that the competent authority had indeed approved the release of the arrears to the petitioner. His claim in the original application was, therefore, to seek a direction to the respondents to release the arrears of Rs.8,72,349/- to him.

In these circumstances, we fail to appreciate as to how the Tribunal concluded that no cause of action had arisen in favour of the petitioner. Even if the Tribunal felt so, it was necessary for the Tribunal to record at least the relevant facts and give its reasons for its decision, which are completely lacking in the order. We, therefore, set aside the impugned order and remand the case back to the Tribunal. The respondents may file their respective replies to the original application within the next four weeks. The Tribunal is directed to examine the OA on merits after considering the reply of the respondents. The disposal of the original application is expedited.

The same shall be disposed of within next six months. List the matter before the Tribunal on 02.05.2019.

The petition is disposed of with the aforesaid directions.

Dasti.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 25, 2019

gm