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

+ **W.P.(C) 1639/2019**

DHIRENDRA KUMAR SINHA

..... Petitioner

Through Mr. Prateek Tushar Mohanty,
Ms. Payal Mohanty and Mr. Tushar
Ranjan Mohanty, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through Mr. Praveen K. Jain, Ms. Aakanksha
Kaul and Ms. Shruti Dixit, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **18.02.2019**

CM APPL. 7495/2019

Exemption allowed, subject to just exceptions.

W.P.(C) 1639/2019

Issue notice. Notice is accepted on behalf of the respondents.

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 Central Administrative Tribunal, Principal Bench (CAT) has disposed of the petitioner's Original Application i.e. OA No. 397/2019 with the liberty to the petitioner to make a representation ventilating his grievance and with directions to the respondent to dispose of the same within two months of the same being made.

The submission of the learned counsel for the petitioner is that the

petitioner should not have been directed to make a representation in view of the fact that the petitioner has relied upon the decision of this court in ***R.K. Sharma vs. Union of India & Ors.***, WP(C) 4760/2018, decided on 13.11.2018, which follows the decision of the Supreme Court in Civil Appeal Diary No. 3744/2016 ***Union of India & Ors. vs. Balbir Singh Turn & Anr.*** and connected with other appeals decided by the Supreme Court on 08.12.2017.

We are of the view that since the legal issue before the Tribunal was whether the petitioner's case was covered by those decisions, there was no useful purpose in disposing of the OA by giving liberty to the petitioner to make a representation. As to whether, or not, the ratio of the judgments is attracted in the facts of the present case, is an issue, which has to be judicially determined.

We therefore, set aside the impugned order and restore the OA. The Tribunal shall decide the OA on its own merits. We make it clear that we have not expressed any opinion on merits of the petitioner's claim one way or the other. The parties shall appear before the Tribunal on 06.03.2019.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 18, 2019

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