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

+ W.P.(C) 2697/2019

SANEHAD AND ANR.

..... Petitioner

Through: Mr. Shanker Raju with Mr. Nilansh
Gaur, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. Jagjit Singh with Mr. Preet Singh,
Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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19.03.2019

C.M. No. 12469/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 2697/2019

Issue notice. Mr. Singh accepts notice on behalf of respondent Nos. 1 to 3. Respondent No. 4 & 5 are proforma respondents. They were co-applicants along with the petitioner before the Tribunal.

The petitioner has assailed the order dated 17.01.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A No. 126/2015. The Tribunal has rejected the said Original Application after placing reliance on several decisions.

Mr. Raju has pointed out the directions issued by this Court in W.P. (C.) No. 4379/2016 and W.P. (C.) No. 4396/2016 on 26.05.2016. This Court had set aside the earlier order passed by the Tribunal and directed the

Tribunal to hear the entire matter afresh with reference to the factual background and matrix of each case, If required, the records were required to be produced by the respondents. He points out that after the matter was remanded back to the Tribunal, the Tribunal on 19.12.2017 directed the respondents to file an affidavit enclosing therewith the documents in relation to each of the applicants. According to the petitioner, no such affidavit was filed by the respondents before the Tribunal and the Tribunal proceeded to dismiss the Original Application without discussing the facts of each of the applicants.

Mr. Singh, who appears for the respondent is not in a position to controvert the aforesaid position. Having perused the impugned order, we are of the view that the same lacks discussion on the case of each of the applicants. We, therefore, remand the case back to the Tribunal for reconsideration. It shall be open to the respondent to file the affidavit, if not already filed, in terms of the order dated 19.12.2017 within 4 weeks. The parties shall appear before the Tribunal on 29.04.2019. The Tribunal shall pass a fresh order after hearing the parties.

We make it clear that we have not gone into the merits of the case. It shall be open to the Tribunal to take its considered view in the matter.

The petition stands disposed of in the aforesaid terms.

Dasti.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 19, 2019

N.Khanna