

\$~25 & 26.

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

+ **W.P.(C) 3617/2019 & CM APPL. 16582/2019**

SANDEEP

..... Petitioner

Through:

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Jagjit Singh, Senior Standing
Counsel for the respondent.

+ **W.P.(C) 3620/2019 & CM APPL. 16588/2019**

RUPESH KUMAR MAAN AND ORS.

..... Petitioners

Through: Mr. Shanker Raju & Mr. Nilansh
Gaur, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Jagjit Singh, Senior Standing
Counsel for the respondent.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

09.04.2019

%

1. These two writ petitions have been preferred by different petitioners/ original applicants assailing different orders on unrelated subjects.
2. The petitioner in W.P. (C) No. 3617/2019 has assailed the order dated 03.01.2019 passed in O.A. No.894/2015 being aggrieved by rejection of his appointment by the respondents on the ground of mismatch of his

handwriting/ signature as available on the application form, OMR Sheet, D.V. papers, etc.

3. W.P. (C) No. 3620/2019 has been preferred by the petitioners/ original applicants assailing the order passed on 27.02.2019 in O.A. No.3246/2016. In the said Original Application, the said petitioners/ original applicants had challenged the answer-key in respect of the examination held in response to employment notification No.220E/open mkt/rectt./2012 dated 30.08.2012 for selection to the Group-D posts in Northern Railways. The answer-key in respect of five questions was challenged before the Tribunal.

4. We are dealing with both the writ petitions by this common order on account of the fact that the bench which has passed the impugned orders in both the writ petitions is the same – comprising of Mr. S.N. Terdal, Member (Judicial) and Ms. Nita Chowdhury, Member (Administrative). A perusal of both the impugned orders shows that there is absolutely no application of mind displayed by the Tribunal. The orders are unreasoned and do not record or deal with the submissions of the petitioners/ applicants or even the respondents. The Tribunal has to appreciate that it is exercising original jurisdiction. It is expected to carefully deal with all the submissions raised before it by reference to the facts, the submissions and the case law. Its application of mind can be demonstrated only by incorporation of its process of reasoning in the decision making process.

5. Unfortunately, we have earlier also come across orders passed by the same bench of the Tribunal in W.P. (C) No. 3487/2019 titled *Shivpal Singh Vs. Central Bureau of Investigation and Anr.*, decided on 05.04.2019. We

have set aside the order passed by the Tribunal in the said case and remanded the case back for re-hearing and re-consideration on merits with a direction to the Tribunal to ensure that properly reasoned order is passed by it. That order was also directed to be communicated to the Chairman of the Tribunal for compliance.

6. We, accordingly, set aside the impugned orders in the aforesaid writ petitions and remand the cases back to the Tribunal for re-hearing and re-consideration. We again emphasize that the Tribunal should deal with the matter more seriously and the orders passed by it should not reflect a sense of casualness in the matter of dealing with the submissions of the parties. A litigant, who approaches the Tribunal, goes to the Tribunal in the hope that he would be granted a fair and complete hearing and his submissions would be dealt with competence and due application of mind. No Judicial Officer should forget his obligation of his calling and the fact that he is answerable to the litigant while dealing with his case.

7. The parties shall appear before the Tribunal on 14.05.2019.

8. A copy of this order be communicated to the Chairman of the Tribunal for compliance and ensuring that such like orders are not passed in future.

VIPIN SANGHI, J

REKHA PALLI, J

APRIL 09, 2019

B.S. Rohella