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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decision delivered on: 25.03.2022

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W.P.(C) 3802/2019

SH. VED PRAKASH YADAV Petitioner

Through : None.

versus

UNION OF INDIA AND ORS. Respondents

Through : Mr Satyendra Kumar and Mr Amit
Sinha, Advs. for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE JASMEET SINGH

[Physical Court Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):

1. This writ petition is directed against the order dated 10.10.2018, passed by the Central Administrative Tribunal [in short “the Tribunal”] in T.A./100/32/2013.

1.1 While disposing of the aforesaid TA, the Tribunal passed the following operative directions, which are contained in paragraph 6 of the impugned order:

“6. We, therefore, dispose of this OA leaving it open to the applicant to make a representation mentioning the consequential benefits, which he was entitled to in terms of the directions in OA 1950/2007 (supra) within a period of four weeks from today. On receipt of such representation, the respondents shall pass appropriate orders within three months thereafter. There shall be no order as to costs.”



2. As is evident, the Tribunal had given leave to the petitioner to make a representation *qua* consequential benefits, in terms of the directions issued in OA No.1950/2007.

3. The record shows that when the writ petition came up for hearing, for the first time, before the coordinate bench on 12.04.2019, the bench, *inter alia*, observed as follows:

“...In our view, the Tribunal should have dealt with the TA on merits taking into consideration the materials brought on record. We, accordingly, set aside the impugned order and remand the TA back to the Tribunal for consideration on merits. The same be considered and disposed of in the next six months.

The parties shall appear before the Tribunal on 25.04.2019. The petition stands disposed of in the aforesaid terms.”

4. We would have thought, that nothing would have survived thereafter in the writ petition. However, the record shows that an application was filed by the petitioner i.e., CM No.40061/2019 that the matter should be heard by this Court. This aspect comes to fore, upon a perusal of order dated 17.10.2019.

4.1. Since the bench before which the aforementioned application was placed was not the bench which had passed the order dated 12.04.2019 disposing of the writ petition, it was directed to be placed before the concerned bench which had passed the order dated 12.04.2019.

4.2. Thereafter, the bench, which had passed the order dated 12.04.2019, took the view, on 08.11.2019, that since the matter was not part-heard, it should be placed before the roster bench.

4.3. It is in these circumstances that the matter was listed before the concerned roster bench, as then constituted, on 22.11.2019, and thereafter, on 21.01.2020. The operative directions that were passed by the concerned



roster bench on 21.01.2020, after noticing the observations made by the Tribunal, read as follows:

“3. In the backdrop of the remand made by the Division Bench, which was based on observations made by the Supreme Court, an order dated 14.05.2019 passed by the Tribunal is brought to our notice, which we reproduce below:

“In the recent past, it has become almost routine to remand almost every matter that has gone before a Hon’ble Bench of the Delhi High Court from the Tribunal. The result is that the old cases which we have disposed of by undertaking special sittings, are being sent back by showing one cause or the other. Had it been an exception, we would have readily undertaken the hearing of these matters. However, the instances are many and the list of old cases is almost getting recycled.

2. To avoid the situation of old cases being shown as pending even after disposed, we direct this TA to be renumbered as OA of the year 2019 and it shall be taken up for hearing on its own turn.”

4. We are informed by learned counsel for the petitioner/applicant that the matter is now listed before a learned Single Bench of the Tribunal on 31.01.2020 for further directions, whereas the matter is in fact to be heard by a Division Bench of the Tribunal.

5. We have heard the learned counsel for the parties.

6. We are extremely disappointed and disturbed by reading what has been observed by the Tribunal in its order dated 14.05.2019. At this stage, we would like to say no more.

7. Accordingly, we direct that the OA be listed before a Division Bench of the Tribunal on 31.01.2020 for final hearing, on which date no adjournment would be granted to either of the parties.

8. A copy of this order be brought to the notice of the Chairman of the Tribunal.

9. Awaiting the order of the Tribunal, list the matter for further directions before this Court, on 13.03.2020.”

4.4. Thereafter, the matter was listed on 21.10.2021 before the bench comprising Rajiv Shakhder, J. and Talwant Singh, J. On that date, the matter



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was called out at 5:00 PM, and therefore, due to paucity of time, could not be taken up. However, there was no representation on behalf of the parties.

5. Today, we find that although the respondents are represented, there is no representation on behalf of the petitioner.

5.1. Mr Satyendra Kumar, who appears on behalf of the respondents, is not able to inform us, as to whether or not the OA has been heard and disposed of by the Tribunal.

5.2. Given the fact that the petitioner is once again not represented, it appears that the petitioner is not interested in prosecuting the instant writ petition.

5.3. In any event, since this Court *via* order dated 21.01.2020 has directed the Tribunal to dispose of the OA on merits, nothing survives in the writ petition.

6. The writ petition is, accordingly, closed.

7. The Registry will dispatch a copy of the order passed today to the petitioner.

RAJIV SHAKDHER, J

JASMEET SINGH, J

MARCH 25, 2022

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Click here to check corrigendum, if any