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

+ W.P.(C) 9397/2018, CM APPL. 36390/2018 & 36392/2018

UNION OF INDIA & ORS Petitioners

Through: Mr. V.S.R. Krishna, Advocate.

versus

ARCHANA KAUL & ORS Respondents

Through: Mr. M.K. Bhardwaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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11.02.2019

1. The petitioner-Union of India assails the order dated 07.11.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal') in OA No.3395/2015. By the said order, the Tribunal has allowed the Original Application preferred by the respondents by observing that it is satisfied that the respondent's case is covered by the decision of this case '*Union of India & Ors. vs. Malbika Deb Gupta & Ors.*, W.P.(C) 8058/2015 decided on 04.11.2016.

2. A reading of the impugned order does not disclose even the basic facts of the case; the claim made by the respondents; what is the ratio of the decision in *Malbika Deb Gupta* (supra), and; how it is attracted in the facts of the present case.

3. In our view, such an order of the Tribunal cannot be sustained since the Tribunal being the original Forum examining the dispute should

invariably record all the aforesaid aspects. We, therefore, set aside the impugned order and remand the matter back to the Tribunal for reconsideration on merits. Considering the fact that the Original Application was filed in the year 2015, and the impugned order passed on 07.11.2017, we request the Tribunal to expedite the hearing of the Original Application. We make it clear that we have not made any observation on merits of the case.

4. Parties to appear before the Tribunal on 18.02.2019.
5. Petition stands disposed of in the above terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 11, 2019

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