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

+ W.P.(C) 592/2020

CONSTABLE RAHUL Petitioner
Through: Ms. Sriparna Chatterjee, Advocate.
versus
THE COMMISSIONER OF POLICE & ORS Respondents
Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD with Mr. Nitesh
Kumar Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **16.01.2020**

C.M. No.1627/2020 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) No.592/2020

Mrs. Avnish Ahlawat, learned counsel for the respondents enters appearance on advance copy.

Notice to show cause as to why the petition be not admitted.

With the consent of parties, writ petition is set-down for final hearing and disposal.

The petitioner is aggrieved by order of the Central Administrative Tribunal ('Tribunal' for short) dated 29.03.2019 by which O.A. filed by the petitioner stands dismissed.

At the outset, learned counsel for the petitioner submits that none of the grounds urged by the petitioner in the O.A. or the averments made by her during the course of hearing have been noted

or ruled upon. She submits that although there is no quarrel with respect to the law which has been cited by the Tribunal but the same would not apply to the facts of the present case. She submits that barring paras 5 and 6, the entire order does not reflect the submissions made on behalf of the petitioner or the decision on the said submissions.

Mrs. Ahlawat submits that there is overwhelming evidence against the petitioner on merits and the petitioner has no case.

We have heard learned counsel for the parties and carefully examined the order passed by the Tribunal, more particularly paras 5 and 6. In the judgment which runs into 10 pages only two paras being paras 5 and 6 deal with the submissions made by the petitioner and that too very briefly.

We are accordingly of the considered view that the impugned order requires to be set-aside ; and the matter remanded back to the Tribunal for fresh hearing.

We request the Tribunal to consider the submissions of the petitioner and thereafter pass a reasoned order. We make it clear that we have not expressed any opinion on the merits of the matter.

Parties to appear before the Tribunal on 12th February 2020.

Petition is disposed of in terms of the aforesaid observations.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

JANUARY 16, 2020/Ne