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

% *Date of Judgment : 03<sup>rd</sup> February, 2020*

+ W.P.(C) 1263/2020  
KUSUM VERMA

..... Petitioner

Through Mr. Nikhil Bhardwaj, Advocate

versus

COMMISSIONER, NORTH DELHI MUNICIPAL CORPORATION  
AND ORS.

..... Respondents

Through Ms. Namrata Mukim, Standing  
Counsel for the respondents with Ms.  
Sangita Jain, ASO, DOE, HQ,  
NDMC.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**G.S. SISTANI, J. (ORAL)**

**CMs.APPL 4384-4385/2020(exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed of.

**W.P.(C) 1263/2020 & CM.APPL 4383/2020(stay)**

3. Challenge in this writ petition is to the order dated 28.01.2020 passed by the Central Administrative Tribunal (the 'Tribunal'). The order of the Tribunal is reproduced below:

**"MA Nos.121/2020 & 226/2020**

*Heard.*

*Perused the MAs. In both the MAs the applicant seeking vacation of stay order dated 02.01.2020 by which he along with 11 persons has absorbed. As the pleadings are complete, both the MAs have become infructuous, hence, dismissed.*

*Counsel for applicant has relied upon Hon'ble High Court's judgment passed in WP(C) 729/2020, which is not applicable.*

*Counsel for applicant has relied upon Hon'ble High Court's judgment passed in WP(C) 7825/2014, which will be considered at the time of final disposal.*

**OA No.3456/2019**

*As the pleadings are complete, post the matter on 06.05.2020 for final disposal."*

4. Learned counsel for the petitioner submits that despite the categorical directions issued by this Court vide order dated 20.01.2020 in W.P.(C).No.729/2020, the Tribunal has failed to consider the stay application and has adjourned the matter to the month of May, 2020 for final disposal.
5. Notice to show cause as to why the petition be not admitted. Notice in the stay application as well. Learned counsel for the respondents accepts notice.
6. We have heard the learned counsel for the parties.
7. The petitioner had filed W.P.(C) No.729/2020 since in MA No.121/2020 filed by the petitioner the Tribunal had only issued notice returnable for 28.01.2020. The petitioner had raised various grounds before us but we considered it appropriate not to entertain the writ petition since the stay application was still pending before the Tribunal;

the application was listed on 28.01.2020; and we did not want to pre-judge the issue. In this view of the matter, the following order was passed by this Court on 20.01.2020:

*“Petitioner is aggrieved by order dated 10.01.2020 passed by Central Administrative Tribunal, by which in an M.A. No.121/2020 seeking interim relief, the Tribunal has simply issued notice for 28.01.2020, without giving any interim relief.*

*Notice.*

*Ms. Mini Pushkarna, learned counsel for the respondents, who enters appearance on advance copy, accepts notice.*

*Since the matter is coming-up before the Tribunal on 28.01.2020, we find no ground to entertain this petition. However, we have no hesitation in saying that this application would be heard and a reasoned order would be passed, on the next date fixed.*

*Writ petition is disposed of in terms of aforesaid observations.*

*Dasti”*

8. We are both surprised and pained at the manner in which the Tribunal has perceived, understood and dealt with the order passed by this Court, in which we had passed the following directions:

*“...However, we have no hesitation in saying that this application would be heard and a reasoned order would be passed, on the next date fixed....”*

9. While passing order dated 28.01.2020, the Tribunal has shown scant regard for, and has displayed a casual and cavalier attitude towards, the

orders passed by a Division Bench of the High Court; and despite the fact that the order was brought to the notice of the Tribunal, the Tribunal has observed as under:

*“...Counsel for applicant has relied upon Hon’ble High Court’s judgment passed in WP(C) 729/2020, which is not applicable...”*

*(Emphasis supplied)*

10. We fail to understand as to how, when the order of this Court was passed in relation to the very M.A. that was pending before the Tribunal, did the Tribunal reach the conclusion that our directions were not applicable to the matter. It is evident that we had exercised forbearance in not passing any interim order since the M.A. was pending consideration before the Tribunal and had been adjourned for a short date. Yet the Tribunal thought that no reasoned order was required on the M.A.
11. Taking note of the aforementioned circumstances, we direct the Tribunal to now hear the stay application positively on 07.02.2020. The matter would be taken-up as Item No.1. The application will be heard and a reasoned order would be passed. Both parties will appear before the Tribunal on the said date without any further notice and shall not seek any adjournment.
12. We direct that this order be brought to the notice of the concerned Bench. Additionally, a copy of this order be marked to the learned Chairman of the Tribunal, who will convey the displeasure of this Court to the two members who have passed the order.
13. With these observations, the writ petition stands disposed of.

14. A copy of the order be given *dasti* to the parties under the signatures of Court Master.

**CM.APPL 4383/2020(stay)**

15. The application stands disposed of in view of the order passed in the writ petition.

**G.S.SISTANI, J**

**ANUP JAIRAM BHAMBHANI, J**

**FEBRUARY 03, 2020**

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