

#4

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 01.07.2020

**W.P.(C) 3283/2020, CM APPL.11514/2020 & CM
APPL.1515/2020**

RANJANA KALE

..... Petitioner

versus

UNION OF INDIA AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Vaibhav Gaggar and Ms. Sumedha Dang,
Advocates

For the Respondents : Mr. Abhay Prakash Sahay, CGSC, Mr. Mannu
Singh and Ms. Indira Goswami, for R-1 to 3
Mr. Naresh Kaushik, Advocate for R-4

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

JUDGMENT

SIDDHARTH MRIDUL, J. (Via Video Conferencing)

1. The present writ petition under Articles 226 and 227 of the Constitution of India, has been instituted on behalf of Ms. Ranjana Kale, the petitioner, being aggrieved by the inaction of the Central Administrative Tribunal, Principal Bench, New Delhi, in not

responding or listing an urgent application, filed by the petitioner on 19.05.2020 *qua* the adjudication of the original application bearing O.A. No.582/2020, titled as '*Ranjana Kale vs. Department of Economic Affairs*', (hereinafter referred to as the 'subject O.A.'), instituted on her behalf, wherein she has prayed as follows:-

- “(a) Direct the respondents herein to forward the matter pertaining to the empanelment of the appellant herein, to the Appointments Committee of the Cabinet for empanelment of the officer as recommended by the duly convened Departmental Promotion Committee on 13.09.2019; and/or
- (b) Pass any such order/(s) this Hon'ble Court deems fit in the facts and circumstances of the given case.”

2. Learned Single Judge of this Court vide order dated 29.05.2020, observed as follows:-

“Hearing has been conducted through Video Conferencing.

Petitioner belongs to 1983 Batch of Indian Economic Service and is presently in the Senior Administrative Grade. DPC was held in September, 2019 which recommended for promotions to the Higher Administrative Grade. Aggrieved by the fact that the recommendations of the DPC were not forwarded to the respondent No.2, for further consideration by the ACC, Petitioner filed an O.A. No. 582 of 2020 before the Central Administrative Tribunal.

Petitioner is retiring on 31.05.2020 and, therefore, filed an Application on 19.05.2020 seeking

urgent relief before the Tribunal. Aggrieved by the non-listing of the Application, Petitioner has filed the present petition seeking the following relief :-

“(a) Issue appropriate writ (s)/direction(s)/order(s) to Respondent No. 2 and 3, to declare the result of empanelment as recommended by Respondent No. 4 and /or;

Petitions concerning orders of Central Administrative Tribunal can only be entertained by a Division Bench of this Court and not by a Single Bench.

At this stage, learned counsel for the Petitioner requests that the matter be placed before a Division Bench as there is urgency in the matter.

List before the appropriate Bench on 1st June, 2020, subject to orders of Hon’ble the Chief Justice.”

3. In terms of the directions issued by Hon’ble the Chief Justice, the instant writ petition first came up for hearing before this Bench on 01.06.2020, when we were pleased to direct as follows:-

“.....

Mr. Abhay Prakash Sahay, learned CGSC appearing on behalf of the respondent No.1 to 3 states that he will obtain instructions *qua* the declaration of the result of empanelment by the competent authority after considering the recommendations already made on behalf of the UPSC and place the same on affidavit, within a period of one week from today.

Directed accordingly.”

4. Further, when the writ petition was taken up for hearing on 09.06.2020, this Bench directed as under:-

“

Mr. Abhay Prakash Sahay, learned CGSC appearing on behalf of the official respondent Nos.1 to 3, prays for more time to file an affidavit, in compliance to the direction issued by this Court vide the above extracted order dated 01.06.2020.

After hearing counsel appearing on behalf of the parties, as a last opportunity, respondent Nos.1 to 3 are granted two weeks' time to file the counter affidavit, in terms of the directions issued by this Court vide the said order dated 01.06.2020, with an advance copy to the learned counsel appearing on behalf of the petitioner, who may file rejoinder thereto, if any, before the next date of hearing.”

5. We are dismayed to observe that, despite the directions issued by this Court vide the earlier orders dated 01.06.2020 and 09.06.2020, the Union of India has not yet filed an affidavit, in compliance with the directions issued by this Court, vide the said order dated 01.06.2020.

6. Mr. Abhay Prakash Sahay, the learned Central Government Standing Counsel appearing on behalf of the respondent Nos.1 to 3/Union of India today submits that, since the original jurisdiction *qua* the subject matter of the present writ petition vests in the Central Administrative Tribunal, this Court may issue a direction to the latter to hear and dispose of the subject O.A., expeditiously.

7. In this behalf, we would be failing in our duty, if we did not observe that, the official respondents are yet to respond to the original application, filed on behalf of the petitioner herein, by way of an affidavit in reply, in the subject O.A., despite passage of over a period of four months, for reasons best known to them. The conduct of the official respondents, barring the UPSC, is tantamount to employing dilatory tactics.

8. However, we cannot but observe that, the present petition was limited to the direction to declare the result of empanelment, as recommended by the Union Public Service Commission/respondent No.4, in the Departmental Promotion Committee (DPC), held on 13.09.2019, for the post of the Principal Advisor (Higher Administrative Grade +) and it is an admitted position that the UPSC has forwarded its recommendations qua the said DPC to the department of Economic Affairs, Ministry of Finance, immediately subsequent upon the conduct of the said DPC itself.

9. Having heard learned counsel appearing on behalf of the parties and perused the relevant record and in view of the facts and circumstances of the case, as well as, the *bona fide* urgency expressed

by the petitioner, the only course that commends itself, is to direct the Central Administrative Tribunal, Principal Bench, New Delhi to take up the subject O.A., as well as, the urgent application for hearing thereof, filed on behalf of the petitioner herein, in the first instance on the 13.07.2020.

10. We further direct the Union of India to file the reply in the subject O.A.—which Mr. Abhay Prakash Sahay, learned CGSC, states is ready—within a period of three working days from today, with an advance electronic copy to the learned counsel appearing on behalf of the petitioner.

11. The petitioner before us—who is the original applicant in the subject O.A.—is also permitted to file a further affidavit before the Central Administrative Tribunal, within a period of one week from today, with advance copies to the learned counsel appearing on behalf of the Union of India, as well as, Union Public Service Commission.

12. It is hoped and expected that, the Central Administrative Tribunal, Principal Bench, New Delhi shall proceed to determine and adjudicate the issues raised in the subject O.A., instituted on behalf of the petitioner, in accordance with law expeditiously, commencing on

the 13.07.2020 itself and preferably within the period of three months from that day, without granting any unwarranted adjournments to the parties.

13. No further directions are called for.

14. With the above directions, the present writ petition as well as the pending applications are disposed of accordingly. The pending applications also stand disposed of.

15. A copy of this order be transmitted electronically to the Central Administrative Tribunal through its Registrar, for necessary information and compliance. A copy of this order be sent by electronic mail to counsel for the parties. A copy of this order be also uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

JULY 01, 2020
dn/as