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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 19.10.2020

**W.P.(C) 8193/2020, CM APPL.26522/2020, CM APPL.26523/2020
& CM APPL.26524/2020**

MS PINKI RANI AND ANR.

.....Petitioners

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. A.K. Bhardwaj, Advocate

For the Respondents : Mr. Nitesh Kumar Singh, Advocate for Mrs.
Avnish Ahlawat, Standing Counsel, GNCTD

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (Open Court – via Video Conferencing)

1. The present Writ Petition under Articles 226 and 227 of the Constitution of India instituted on behalf of the petitioners prays as follows: -

“A. Issue a writ of certiorari quashing and setting aside the order dated 18 (9) 2020 passed by the Principal Bench of the Central Administrative Tribunal in CP No. 114/2020 and direct that the Petitioners herein would be entitled to the benefit of the order dated 23.01.2020 passed in OA NO. 2302/2019 like other 53 Applicants in the OA.

- B. To issue a writ of mandamus commanding the Respondents to extend the benefit of the order dated 23.01.2020 passed in OA No. 2302/2019 also to the Petitioners herein.
- C. Pass any other appropriate order or direction which this Hon'ble Court deems fit.
- D. To allow the Writ petition with cost of the litigation."

2. The instant writ petition impugns the order dated 18.09.2020, in C.P. No.114/2020 in O.A. No.2302/2019 and M.A. No.1088/2020, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'learned Tribunal') whereby benefit of the judgment and order dated 23.01.2020 rendered in the aforesaid O.A. No.2302/2019 has not been extended to the petitioners herein namely, Ms. Pinki Rani and Ms. Jyoti.

3. Mr. A.K. Bhardwaj, learned counsel appearing on behalf of the petitioners invites our attention to the O.A. No.2302/2019 and in particular page No.93 thereof to state that, although Ms. Pinki Rani and Ms. Jyoti, the petitioners herein, were applicants in the said O.A., due to inadvertence of counsel appearing on their behalf, their names did not appear in the Memo of Parties filed in the said O.A.

4. Mr. Bhardwaj, learned counsel states that, in order to correct the inadvertent mistake made on behalf of counsel for the said petitioners, they instituted M.A. No.3924/2019 on 06.12.2019 seeking

impleadment in the said O.A. No.2302/2019 by asseverating as follows:-

- “4. That a typographical error has crept in the memo of parties of the OA as the name of two applicants i.e. Pinki Rani & Jyoti has inadvertently been omitted in the memo of parties. The said name are duly mentioned in the chart on the details of the applicants at para 4.1 of the OA albeit, the same could not appear in the memo of parties due to a typing mistake.
5. That the mistake/error/omission in advertent and of the same is not corrected shall cause irreparable injury and loss to the applicants.”

5. It is evident that when the said O.A. No.2302/2019 was finally disposed of by the learned Tribunal vide its order dated 23.01.2020, the M.A. No.3924/2019, instituted on behalf of the petitioners herein, had not been adjudicated upon.

6. Subsequently, when the original applicants filed C.P. No.114/2020 in O.A. No.2302/2019, seeking compliance of the directions issued by the learned Tribunal vide the said order dated 23.01.2020, the latter vide the impugned order 18.09.2020 has considered the said M.A. No.3924/2019 and merely observed in that regard as follows:-

“6. We may also clarify here that it is admitted fact that though the applicants of the aforesaid OA have made certain averments qua 55 applicants in the OA, however, in the Memo of Parties there were 53 applicants only.

Learned counsel for the applicants in the OA has admittedly filed a Misc Application, seeking modification in the Memo of Parties of the OA and sought addition of two more applicants. However, admittedly the same was never allowed.

In such facts and circumstances, we are of the view that the directions in the aforesaid order/judgment dated 23.01.2020 will be treated as order/judgment in respect of 53 applicants only whose names have been placed in the original Memo of Parties of the OA.”

7. The solitary grievance urged on behalf of the petitioners herein is that, as a consequence of the impugned order, the petitioners ought to have been impleaded as parties to the said O.A.2302/2019, have not been so impleaded and have, consequently, been denied the benefits of the directions issued in the said O.A.

8. Notice.

9. Mr. Nitesh Kumar Singh, learned counsel accepts notice on behalf of Mrs. Avnish Ahlawat, learned Standing Counsel for Government of NCT of Delhi.

10. Having heard learned counsel appearing on behalf of the parties, the only course that commends itself to us is to direct the learned Tribunal to hear M.A. No.3924/2019, filed on behalf of the petitioners herein in O.A. No.2302/2019, afresh and dispose it of by way of a speaking order, in accordance with law.

11. No further directions are prayed for.

12. With the above directions, the writ petition is disposed of. The pending applications also stand disposed of.

13. List before the learned Tribunal, for the said purpose, in the first instance, on 26.10.2020.

14. A copy of this order be sent to the Principal Registrar of the learned Tribunal for necessary information and compliance.

15. A copy of this order be provided to learned counsel appearing on behalf of the parties and be also uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

OCTOBER 19, 2020
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[Click here to check corrigendum, if any](#)