

\$~4(2021)

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

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Decision delivered on: 08.11.2021

+ **W.P.(C) 2444/2020**

DR. ONKARI PRASAD

..... Petitioner

Through: Mr .M K Bhardwaj with Ms. Ridam  
Arora, Advs.

*versus*

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Rakesh Kumar, CGSC with Mr.  
Kavindra Gill, GP for Respondents

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**HON'BLE MR. JUSTICE TALWANT SINGH**

**RAJIV SHAKDHER, J. (ORAL):**

**[Court hearing convened via video-conferencing on account of COVID-19]**

1. This writ petition is directed against the order dated 14.02.2019, passed by the Central Administrative Tribunal [in short, “the Tribunal”] in O.A. No. 1762/2015.

2. The aforesaid O.A. was dismissed by the Tribunal, via a cryptic order, in view of their reading of the matter; which was, that the issue which arose in the O.A., was similar to the one which arose for consideration in O.A. No. 1229/2016.

2.1. To be noted, O.A. No. 1229/2016 was dismissed by the Tribunal, *vide* order dated 30.11.2018 [sic 30.10.2018].

2.2. Against the aforementioned order dated 30.10.2018, a writ petition has been filed before us, which is listed today and is numbered as W.P.(C)

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No. 3213/2019.

3. Learned counsel for the parties submit that, the facts obtaining in W.P.(C) No. 3213/2019 are different, and therefore, the matter at hand would have to be decided on merits.

4. As indicated above, there is no discussion on merits in the impugned order passed by the Tribunal .

4.1. Therefore, the impugned order passed by the Tribunal is set aside. The matter is remanded to the Tribunal, for fresh adjudication, albeit on the merits of the matter.

4.2. Needless to add, both sides will be given due opportunity, to place their respective stands before the Tribunal.

5. The writ petition is disposed of in the aforesaid terms.

**RAJIV SHAKDHER, J**

**TALWANT SINGH, J**

**NOVEMBER 8, 2021/mr**

*Click here to check corrigendum, if any*

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