

\$~17 (2021)

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

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Date of decision: 26.10.2021

+ **W.P.(C) 5960/2020**

HEMLATA MATHUR AND ORS.

.....Petitioners

Through: Mr. Arun Bhardwaj, Senior Advocate

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Jagjit Singh, Senior panel
counsel for railways with Mr.
Rajeshwar Singh, Advocate

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. On the previous date i.e., 04.10.2021, the following had been recorded by us:-

“ 1. Counsel for the respondents seek accommodation in the matter to obtain instructions as to, whether the issue raised in the instant writ petition is covered by the judgment dated 22.02.2021, passed by the Rajasthan High Court, in W.P.(C.) No.20910/2019; an aspect, which is, also referred to, in our order dated 27.08.2021.

2. We may also point out that, Mr. Nikhil Bhardwaj, learned counsel for the petitioners, seeks to place reliance on paragraph 12 of the counter-affidavit filed by respondents, to demonstrate that, even according to the respondents, the issue raised in the instant petition was identical to the one,

which was raised before the Division Bench of the Rajasthan High court.

2.1. It is also contended by Mr. Bhardwaj that, the aforementioned decision of the Rajasthan High Court, has already been implemented by the respondents.

2.2. The aforesaid aspects will be examined on the next date of hearing.

3. List the matter on 26.10.2021”.

2. Mr. Jagjit Singh, who appears on behalf of the respondents, has reverted with instructions.

2.1 Mr. Singh confirms, in no uncertain terms, that the judgment dated 22.02.2021, passed by the Rajasthan High Court in W.P.(C.) No.20910/2019 has been implemented qua persons, who are parties to the said case.

2.2 Mr. Singh, on being queried, also confirms that the petitioners' case is no different from those, who were involved in the matter which was decided by the Rajasthan High Court.

2.3 Although, Mr. Singh says that, the instant matter should be remitted to the Central Administrative Tribunal [in short “the Tribunal”], in our view, no purpose would be served in remitting the matter, at this stage, to the Tribunal, in view of the stand taken before us, by Mr. Singh, albeit, on instructions.

3. Accordingly, the impugned order dated 05.09.2016 is set aside.

3.1 The respondents are directed to implement the aforementioned judgment of the Rajasthan High Court qua the petitioners in the instant matter, as well.

3.2. Needless to add, the respondents will act due expedition, though not later than six weeks from the date of receipt of the copy of the order passed today.

4. The writ petition is disposed of in the aforesaid terms.
5. The parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

TALWANT SINGH, J

OCTOBER 26, 2021/at

Click here to check corrigendum, if any