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

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Date of decision:14.01.2022

+ **W.P.(C) 873/2022**

RAGHAV GUPTA AND ORS. Petitioners
Through Mr Pradeep Dahiya, Adv.

Versus

UNION OF INDIA AND ORS. Respondents
Through Mr Anurag Ahluwalia, CGSC with
Mr Danish Faraz Khan, Advs.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

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

RAJIV SHAKDHER, J. (ORAL):-

1. This writ petition is directed against the order dated 27.10.2020, passed by the Central Administrative Tribunal [in short, “the Tribunal”] in OA No. 3701/2017.
2. According to Mr Pradeep Dahiya, who appears on behalf of the petitioners, *via* the impugned order, the Tribunal has disposed of, not only OA No. 3701/2017 but also OA No. 3913/2017.
- 2.1. Mr Dahiya, in this context, draws our attention to the judgment dated 08.12.2021, passed in the W.P.(C) No.12829/2021. This judgment was rendered by this Court *qua* the very same impugned order of the Tribunal, *albeit* in OA No. 3913/2017.
3. Mr Anurag Ahluwalia, who has entered appearance on behalf of the



respondents, says that, in view of what has been noticed by this Court, he cannot argue to the contrary.

3.1. Given this circumstance, Mr Ahluwalia says that no formal reply needs to be filed on behalf of the respondents.

4. Therefore, having regard to the record, the writ petition is taken up for hearing and final disposal, at this stage itself.

5. The relevant part of the judgment dated 08.12.2021, referred hereinabove, is extracted hereafter:

"1. On 15.11.2021, we had indicated as to, what was problematic with the impugned order dated 27.10.2020 passed by the Central Administrative Tribunal [in short "the Tribunal"] in OA No. 3913/2017, from which the present petition arises.

1.1 For the sake of convenience, the relevant part of the said order dated 15.11.2021 is extracted hereafter:

"1. The petitioners had approached the Central Administrative Tribunal (in short „the Tribunal“) with a grievance that they had not been granted the benefit of Senior Time Scale with effect from 01.01.2017, in terms of various Office Memorandums issued by the Department of Personnel & Training (DoPT), in this behalf.

1.1. The petitioners claim to be Indian Revenue Service officers, belonging to the 2013 batch.

2. The respondents, it appears, took the position that the aforesaid benefit was not granted, in cases where there was functional upgradation.

2.1. Counsel for the petitioners says that, the stand taken by the respondents is erroneous.

3. Besides this, we may note that, on 27.10.2020, the Tribunal passed the following order in O.A. No.3913/2017:

"OA is dismissed. Reasons would follow."

3.1. This order was passed by a bench comprising Mohd. Jamshed, Member (A) and Justice L. Narasimha Reddy (Chairman), while the impugned order, which is also dated 27.10.2020, whereby reasons have been furnished has been passed by Justice L. Narasimha Reddy (Chairman) and Ms Aradhana Johri, Member (A).



3.2 *It appears to be a case where one bench heard the matter while another furnished reasons for the decision in the O.A.*

4. *Issue notice.*

4.1. *Mr. Piyush Gaur, who appears for Mr Ripudaman Bhardwaj, accepts notice on behalf of respondent nos. 1 to 3.*

4.2. *On steps being taken, notice shall issue to respondent no. 2, via all permissible modes, including e-mail.*

4.3. *In addition, service will be effected on the standing counsel for respondent no. 2.*

5. *List the matter on 25.11.2021.*”

2. Mr Ripudaman Bhardwaj, who appears on behalf of the respondents, cannot but accept that, one Bench of the Tribunal i.e., comprising Mohd. Jamshed, Member (A) and Justice L. Narasimha Reddy (Chairman) heard the matter, and the other Bench of the Tribunal i.e., consisting of Justice L. Narasimha Reddy (Chairman) and Ms Aradhana Johri, Member (A) furnished the reasons.

2.1 To our minds, in an adjudicatory process the person(s) who hear an aggrieved party must decide and render reasons. Concededly, this hasn't occurred in the instant case; one Bench rendered the decision while the other Bench gave the reasons.

2.2. Therefore the impugned order passed by the Tribunal cannot be sustained.

3. *Accordingly, the impugned order dated 27.10.2020, is set aside.*

3.1. *The matter is remitted to the Tribunal for de novo hearing.*

3.2. *The petitioners will have the liberty to move the concerned Bench, for an expedited hearing in the matter.*

4. *The writ petition is disposed of in the aforesaid terms."*

(emphasis is ours)

5.1. To our minds, the same reasoning will apply *qua* the order impugned in the present writ petition.

6. Accordingly, the order dated 27.10.2020, passed by the Tribunal in OA No. 3701/2017 is set aside.

6.1. The directions contained in the aforesaid judgment dated 08.12.2021 will apply *mutatis mutandis* in this matter, as well.



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

RAJIV SHAKDHER, J

TALWANT SINGH, J

JANUARY 14, 2022/rb

Click here to check corrigendum, if any