

Neutral Citation Number : 2022/DHC/005200

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

% Judgment delivered on: 25th November, 2022

+ **W.P.(C) 16299/2022 and C.M. No. 51020-21/2022**

DARSHAN LAL

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. S.K. Gupta, Advocate.

For the Respondents: Mr. Himanshu Pathak, Mr. Devvrat Yadav
and Mr. Krishna Kumar, Advocate for UOI.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J (Oral)

1. Petitioner impugns order dated 30.11.2021, whereby the Original Application filed by the petitioner has been dismissed by the Central Administrative Tribunal (Tribunal).

2. Issue notice. Notice is accepted by learned counsel appearing for respondents.
3. With the consent of parties, the petition is taken up for final disposal.
4. Petitioner had filed the subject petition seeking re-fixation of the pay of the petitioner and setting aside of communication whereby his pay had been fixed.
5. We notice that the Tribunal apart from noticing the contentions of the petitioner as well as the respondents in the last paragraph has rejected the petition holding as under:-

“10. Keeping in view the arguments advanced by learned counsel for both the parties as well as perusing the documents available on record, we are not inclined to interfere with the re-fixation of the pay of the applicant in the post of Assistant Director (OL). So far as the recovery from the applicant is concerned, it shall not be effected as it is not a lapse on the part of the applicant.

The OA is disposed of as above.

There shall be no order as to costs.”

6. Apart from what is noticed in paragraph 10, there is no consideration of the pleas of the parties emanating from the order or any reasoning. We find that the impugned order is bereft of any reasoning. Accordingly, the same cannot be sustained and calls for a remit.

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7. In view of the above, the impugned order dated 30.11.2021 is set aside. The Original Application is restored to the file of the Tribunal. Tribunal is directed to dispose of the Original Application by passing a speaking order after giving a fresh hearing to the parties.

8. Parties shall appear before the Tribunal for directions on 21.12.2022.

SANJEEV SACHDEVA, J.

TUSHAR RAO GEDELA, J.

NOVEMBER 25, 2022
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