



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

% *Date of decision: October 03, 2023*

+ W.P.(C) 378/2018

12 RAJ KUMAR YADAV AND ORS. Petitioners
Through: Mr. Romy Chacko, Mr. Prashant
Kumar and Mr. Sachin Singh Dalal,
Advs.

versus

THE CHIEF SECRETARY
GOVT. OF NCT OF DELHI AND ORS. Respondents
Through: Mr. Sujeet K. Mishra, Adv. for R-1
Mr. Kumar Rajesh Singh and
Ms. Punam Singh, Advs. for R-2 to
R-4/MCD

+ W.P.(C) 412/2018

13 MS. CHETNA YADAV AND ORS. Petitioners
Through: Mr. Romy Chacko, Mr. Prashant
Kumar and Mr. Sachin Singh Dalal,
Advs.

versus

THE CHIEF SECRETARY
GOVT. OF NCT OF DELHI AND ORS. Respondents
Through: Mr. Sujeet K. Mishra, Adv. for R-1
Mr. Kumar Rajesh Singh and
Ms. Punam Singh, Advs. for R-2 to
R-4/MCD

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA



V. KAMESWAR RAO, J. (ORAL)

1. The challenge in these petitions is to an order dated November 30, 2017 passed by the Central Administrative Tribunal ('Tribunal', for short) in MA 1393/2017 filed in CP 595/2016, whereby the Tribunal has dismissed the MA filed by the petitioners herein seeking restoration of the CP, which was closed by the Tribunal vide order dated March 21, 2017 by holding that the order dated February 03, 2016 passed by the Tribunal has been substantially complied with.
2. The only submission made by Mr. Romy Chacko is that the Tribunal has decided the CP on March 21, 2017 in the absence of the counsel for the petitioners. He submits, there is a violation of order passed by the Tribunal on February 03, 2016 inasmuch as the respondents have, without resorting to the regular appointments, disengaged the appointments of the petitioners. This according to him is at variance with the paragraph 24.1 of the order dated February 03, 2016 passed by the Tribunal.
3. Though, Mr. Kumar Rajesh Singh, appearing for the respondents would justify the order of the Tribunal, we are of the view that, since the Tribunal vide the impugned order has dismissed the CP without hearing the petitioners and also dismissed the MA filed by the petitioners seeking restoration of the petition, it would be appropriate for the Tribunal to hear the counsel for the parties and decide the CP on its merit. While doing so, the Tribunal shall consider the pleadings filed by the parties before this Court in this writ petition, to come to a just conclusion. In this regard, permission is granted to the petitioners as well as to the respondents to place the affidavits/pleadings filed before this Court in this writ petition on the



record of the Tribunal by way of an affidavit within four weeks from today.

4. We accordingly revive the contempt petition being CP 595/2016 in O.A. 4402/2015 on the Board of the Tribunal and the same shall be listed before the Tribunal on November 06, 2023 when the parties shall appear before the Tribunal.

5. The petition is disposed of, accordingly.

6. Let a copy of this order be also sent to the Registrar, Central Administrative Tribunal, Principal Bench, New Delhi for information and compliance.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

OCTOBER 03, 2023/ds