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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1295/2024**
DR. ASHOK KUMAR PANDA Petitioner
Through: Mr.Tushar Ranjan Mohanty,
Ms.Payal Mohanty, Ms.Soumya Punna, Mr.Milind
Jain & Mr.Ashutosh Pinjan, Advs.

versus

UNION OF INDIA & ORS. Respondents
Through: Mr.S.N.Verma, Adv.
Mr.Sushil Raaja, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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30.01.2024

CM APPL. 5352/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 1295/2024 & CM APPL. 5351/2024 (stay)

3. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 10.01.2024 passed by the learned Central Administrative Tribunal (Tribunal) in M.A. No.4647/2024 in O.A. No.3603/2023. Vide the impugned order the respondent's application for preponement of next date of hearing was allowed by the learned Single Bench of the Tribunal and, consequently, the matter was directed to be listed on 18.01.2024 before the learned Single Bench itself. The petitioner also assails the order dated 18.01.2024 passed in M.A. No.204/2024, vide which the



learned Single Bench while rejecting his application for recall of order dated 10.01.2024, directed that the matter be placed before the Division Bench.

4. The grievance of learned counsel for the petitioner is with the manner in which the learned Single Bench of the Tribunal entertained the respondent's application for preponement, despite being aware that the matter had been already assigned to the Division Bench. Learned counsel for the petitioner submits that the tenor of the impugned order has caused grave prejudice not only to the petitioner but also to him personally. He submits that even though he has no objection to the order for preponement of the matter, the observations made by the learned Single Bench in the two impugned orders be set aside. He, further, assures the Court that he will be ready with his submissions on the merits of the OA, on 06.02.2024, the next date fixed in the matter.
5. Furthermore, by drawing our attention to M.A. No.4647/2023 filed by the respondent, he submits that wholly unwarranted allegations have been levelled by Mr.S.N.Verma, Advocate against Mr.Ranjan Tyagi, a Senior Central Government Counsel, who had been appearing in the matter. He submits that the learned Tribunal ought not to have allowed such an application filed by one counsel against another, who both, claim to be authorised to represent the same party. We find merit in the petitioner's submission and note that even today before us, two Senior Central Government Counsel seek to defend the matter on behalf of the respondents, both claiming to be authorised on behalf of the respondents. This position cannot be permitted to continue. The Litigation Section of the Central Government in the High Court is



directed to look into this aspect and ensure that in future, no such similar situation arises.

6. Now turning back to the matter, in the light of the fair stand taken by Mr.Mohanty, learned counsel for the petitioner that he will not seek any adjournment before the learned Tribunal and will, on the next date i.e. 06.02.2024, make submissions on merits, we are of the view that no interference is called for with the impugned orders except for observing that if the Single Bench did not have the jurisdiction to deal with the matter which was required to be placed before the Division Bench, he ought to have avoided passing any orders in the MA.
7. The petition is, accordingly, disposed of with the aforesaid observations.
8. A copy of this order, be forwarded to the In-Charge, Litigation Section of the Central Government in the High Court of Delhi for information.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 30, 2024

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