



\$~25

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

+ **W.P.(C) 3548/2024**

SH. SURENDRA SINGH RAWAT AND ORS. Petitioners

Through: **Mr. M. D. Jangra, Advocate.**

versus

UNION OF INDIA AND ORS. Respondents

Through: **Mr. Ruchir Mishra, SPC with Mr. Aakash Meena and Ms. Reba Jena Mishra, Advocates for R-1-5.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

07.03.2024

%

CM APPL. 14463/2024 (Ex.)

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

W.P.(C) 3548/2024

3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 18.10.2023 passed by the learned Central Administrative Tribunal in O. A. No. 2715/2021. Vide the impugned order, the learned Tribunal has disposed of the original application preferred by the petitioners by observing that the same was with consent of the parties being disposed of with directions to the respondents to seek advice from the DoPT regarding the judgement dated 11.04.2023 passed by the Apex Court and, thereafter pass a reasoned and speaking order.



4. By drawing our attention to the impugned order, the learned counsel for the petitioner submits that the impugned order incorrectly records that the OA was being disposed of with the consent of the parties even though the petitioner was not present during the hearing. This plea of the petitioner is in fact evident from a reading of the impugned order itself which clearly records that none was present on behalf of the petitioner.

5. Issue notice. Mr. Ruchir Mishra, learned counsel for the respondent accepts notice and is not in a position to deny that the petitioner was not represented before the learned Tribunal on the date when the impugned order came to be passed.

6. In the light of the aforesaid facts, when the very premise of the impugned order which records that the same was being passed with the consent of the parties, we have no other option but to set aside the impugned order and remand the matter back to the learned Tribunal for adjudication of the original application on merits. The writ petition is, accordingly, allowed by setting aside the impugned order and remanding the matter back to the learned Tribunal. List before the Registrar of learned Tribunal for further proceedings on 01.04.2024.

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

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 7, 2024

P