



\$~56

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 6046/2024 & CM APPL. 25051/2024 -Ex.

GHAMMI

..... Petitioner

Through: Mr. Anil Mittal, Mr. Shaurya Mittal,
Mr. Atul Chauhan, Advs.

versus

UNION OF INDIA AND ANR

..... Respondent

Through: Mr. Sushil Raaja, SPC, Mr. Aakash
Pathak, GP. for UOI/R-1.
Ms. Gauraan, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

30.04.2024

%

1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 19.02.2024 passed by the learned Central Administrative Tribunal (the Tribunal) in M.A. No. 111/2023 as also in O.A. No. 105/2023. Vide the impugned order, the learned Tribunal has dismissed the petitioner's application being M.A. No. 111/2023 seeking condonation of delay in filing the O.A. after noting that, despite opportunity, learned counsel for the applicant was not willing to argue the application.
2. The sole submission of learned counsel for the petitioner is that, when the matter was taken up for consideration by the learned Tribunal, the



arguing counsel was held up before the Apex Court and, therefore, a request for adjournment was made by the proxy counsel, which request was not acceded to. The learned Tribunal, he contends ought to have granted a short accommodation to the learned counsel for the petitioner in these circumstances.

3. Issue notice. Ms. Gauraan, learned counsel for the respondent no.2 accepts notice and supports the impugned order by urging that the learned Tribunal, having granted repeated opportunities to the learned counsel for the petitioner to make submissions, could not be faulted for rejecting the M.A. for condonation of delay and, consequently, dismissing the O.A. on account of failure of the petitioner's counsel to make submissions. She, therefore, prays that the writ petition be dismissed.
4. Having considered the submissions of the learned counsel for the parties and perused the record, we are of the view that even though the learned Tribunal cannot really be faulted for dismissing the M.A. when the proxy counsel, who was present in Court refused to argue the matter and instead sought an adjournment on account of non-availability of the main counsel, a short accommodation could have been granted by the learned Tribunal. Having said so, we are of the view that though the impugned order deserves to be set aside, the same ought to be subject to payment of costs.
5. We, therefore, allow the petition by setting aside the impugned order and remanding the matter back to the learned Tribunal for adjudication of the M.A. as also the O.A. on merits. The same would, however, be subject to payment of costs of Rs.10,000/- payable to



Ms. Gauraan, (Mobile No. 8588082765) learned counsel for the respondent no.2. Costs be paid within two weeks.

6. List the O.A. alongwith the M.A. before the learned Tribunal on 16.05.2024 for further proceedings.

REKHA PALLI, J

SAURABH BANERJEE, J

APRIL 30, 2024/al