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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6431/2024**
GOVERNMENT OF NCT OF DELHI THROUGH SECRETARY
AND ORS. Petitioners

Through: Ms. Purnima Maheshwari and Mr.
Girish Singhal, Advocates

versus

PANKAJ ATTRAY Respondent
Through: Mr. Naresh Kaushik, Sr. Advocate
and Mr. Anand Singh, Advocates

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **06.05.2024**

CM APPL. 26812/2024- (exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 6431/2024, CM APPL. 26811/2024 –Stay & CM APPL.
26813/2024 -Delay if any.

1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 25.09.2023 passed by the learned Central Administrative Tribunal in OA No.3585/2023. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondent and has, consequently, quashed the suspension order dated 26.08.2023 as also the order dated 23.11.2023 vide which the said suspension was extended.
2. Learned counsel for the petitioners submits that while passing the



impugned order, the learned Tribunal has not even considered the effect of the decision of this Court in *Govt. of NCT of Delhi Vs. Dr. Rishi Anand* and has, without assigning any reasons whatsoever, quashed the aforesaid two orders.

3. Issue notice. Mr. Anand Singh accepts notice on behalf of the respondent. After some arguments, Mr. Naresh Kaushik, learned senior counsel for the respondent does not dispute that except for relying on the decision in *Ajay Kumar Choudhary vs. Union of India* (2015) 7 SCC 291, the impugned order does not record any reasons, howsoever brief, to allow the respondent's claim.

4. Having perused the impugned order and in the light of this fair stand taken by the respondent, we have no hesitation in setting aside the impugned order and remanding the matter back to the learned Tribunal for adjudication of the O.A. afresh on merits.

5. The writ petition, alongwith all accompanying applications is disposed of in the aforesaid terms.

6. List before the learned Registrar of the learned Tribunal on 21.05.2024 for further proceedings. We make it clear that while considering the O.A. afresh, the learned Tribunal will deal with all the contentions raised by both sides.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 6, 2024/So