



\$~64

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

+ W.P.(C) 7303/2024, CM APPL. 30526/2024-Stay, CM APPL. 30527/2024-Exp, CM APPL. 30528/2024-Exp. from filing entire record.

KADU RAM MEENA & ORS.

..... Petitioners

Through: Mr. Varun Kr. Singh and Mr. Janmejay Pratap Singh, Ramneek Kaur and Mr. Ashish Pandey, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Archana Surve, Govt. Pleader for respondent no. 1/Union of India.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

21.05.2024

%

1. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 11.09.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in Original Application (O.A.) No. 157/2022. Vide the impugned order, the learned Tribunal has disposed of the O.A. filed by the petitioners by relying on its earlier order dated 19.02.2020 passed in O.A. No. 301/2016.
2. Learned counsel for the petitioners submits that while passing the



impugned order, the learned Tribunal has overlooked the fact that the order dated 19.02.2020 passed in O.A. No. 301/2016 was challenged before this Court by way of W.P.(C) 8933/2021 resulting in the said order being set aside and the matter being remanded back to the learned Tribunal for fresh adjudication on merits. A copy of this Court's order dated 24.08.2021 has been placed on record.

3. Having perused the order dated 24.08.2021 passed by this Court in the W.P.(C) 8933/2021, we are of the view that once the order based on which the learned Tribunal has disposed of the O.A. has itself been set aside with the O.A. being remanded back to the learned Tribunal for fresh adjudication on merits, the impugned order dated 11.09.2023 is also required to be set aside on this ground alone.

4. Issue notice. Ms. Archana Surve accepts notice on behalf of the respondents and submits that she has not been able to obtain instructions from the respondents. She is, however, not in a position to deny that vide order dated 24.08.2021 passed in W.P.(C) 8933/2021, the learned Tribunal's order dated 19.02.2020 passed in O.A. No. 301/2016 has been set aside by this Court and the said O.A. has been remanded back for fresh adjudication.

5. In the light of the aforesaid when the very order based on which the O.A. has been disposed off has been already set aside, we have no option except to set aside the impugned order as well. The writ petition alongwith the accompanying applications is, accordingly, disposed of by setting aside the impugned order and remanding the petitioners' O.A. back to the learned Tribunal for its fresh adjudication on merits.

6. Needless to state, this Court has not expressed any opinion on the merits of rival claims of the parties. However, taking into account that the



petitioners have been agitating their claim before the learned Tribunal for the last many years, the learned Tribunal is requested to dispose of the O.A. as expeditiously as possible.

7. List the O.A. before the learned Registrar of the Tribunal on 03.07.2024.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 21, 2024

acm