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

26.

+ W.P.(C) 14932/2021, CM APPL. 47152/2021 (Stay), CM APPL. 16045/2022 (Vac. of stay) & CM APPL. 33727/2023 (Amendment)

ANSHUL RAKESH

..... Petitioner

Through: Mr. B. K. Singh and Mr. Santosh Kumar Yadav, Advocates.

versus

THE DIRECTOR (RL) & ORS.

..... Respondents

Through: Mr. Bharathi Raju, Sr. Panel Counsel for UOI.
Mr. R. V. Sinha, Mr. A. S. Singh & Mr. Amit Sinha Advocates for R-3.

27.

+ W.P.(C) 14946/2021, CM APPL. 47192/2021 (Stay), CM APPL. 16043/2022 (Vac. of stay) & CM APPL. 53846/2023

SATYA PRAKASH

..... Petitioner

Through: Mr. B. K. Singh and Mr. Santosh Kumar Yadav, Advocates.

versus

THE DIRECTOR RL & ORS.

..... Respondents

Through: Mr. Bharathi Raju, Sr. Panel Counsel for UOI.
Mr. R. V. Sinha, Mr. A. S. Singh & Mr. Amit Sinha Advocates for R-3.

28.

+ W.P.(C) 14947/2021, CM APPL. 47194/2021 (Stay), CM APPL. 16046/2022 (Vac. of stay) & CM APPL. 53841/2023 (Amendment)

SANTOSH KUMAR UPADHYAY

..... Petitioner

Through: Mr. B. K. Singh and Mr. Santosh Kumar Yadav, Advocates.



versus

THE DIRECTOR RL & ORS.

..... Respondents

Through: Mr. Bharathi Raju, Sr. Panel Counsel
for UOI.

Mr. R. V. Sinha, Mr. A. S. Singh &
Mr. Amit Sinha Advocates for R-3.

29.

+ W.P.(C) 14990/2021, CM APPL. 47306/2021 (Stay), CM APPL.
16020/2022 (Vac. of stay) & CM APPL. 44647/2023 (Amendment)

KAMLESH SINGH KUSHWAHA

..... Petitioner

Through: Mr. B. K. Singh and Mr. Santosh
Kumar Yadav, Advocates.

versus

THE DIRECTOR RL & ORS.

..... Respondents

Through: Mr. Bharathi Raju, Sr. Panel Counsel
for UOI.

Mr. R. V. Sinha, Mr. A. S. Singh &
Mr. Amit Sinha Advocates for R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

13.02.2024

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1. The present batch of writ petitions under Articles 226 and 227 of the Constitution of India seek to assail the order dated 16.11.2021 passed by the learned Central Administrative Tribunal in O.A. No. 2455/2018. Vide the impugned order, the learned Tribunal has rejected the petitioners' challenge to the notice dated 12.06.2018, whereby their services were sought to be terminated by the



respondent.

2. Learned counsel for the petitioners submits that the impugned order is wholly perverse as the learned Tribunal has simply recorded the submissions of both sides only partially and has, thereafter, proceeded to reject the OAs without assigning any reason whatsoever.

3. Mr. Sinha, learned counsel for respondent no. 3, does not dispute this fact that the impugned order is a non-speaking order and has been passed without assigning any reason whatsoever. In fact, he joins the learned counsel for the petitioner in urging that even some of his submissions have not been recorded in the impugned order.

4. In order to appreciate the aforesaid plea of the learned counsel for the parties, we have perused the impugned order and find that as urged by the learned counsel for the parties, the same records the factual matrix and submissions of the learned counsel for the parties in paras 1 to 14; para 15 thereof notes the relevant extract of a decision relied upon by the respondent. It is in para 16, whereafter the learned Tribunal proceeds to hold that there was no merit in the OAs. For the sake of completeness, it would be apposite to reproduce herein below, para 16 of the impugned order:

"16. In view of the overall facts and circumstances of the case, and the law laid down by the Hon'ble Supreme Court, we do not find any merit in the OAs. They are accordingly dismissed. There shall be no order as to costs."

5. We are, indeed, surprised to note that the learned Tribunal, which exercises original jurisdiction, has without even referring to any



of the submissions of the parties, simply proceeded to hold that there was no merit in the OAs. This course of action adopted by the learned Tribunal, in our considered view, is wholly unsatisfactory. While disposing off an OA, the learned Central Administrative Tribunal which discharges important judicial functions is expected to deal, if not in detail, atleast briefly with the contentions raised by the learned counsel for the parties.

6. We are, constrained to observe that the present case depicts a situation wherein, the learned Tribunal has dismissed the OAs without dealing with any of the submissions of any of the parties, by simply holding that there was no merit in the OAs. In fact, as noted hereinabove, learned counsel for both sides have raised a grievance before us that even their submissions have not been fully recorded.

7. We, therefore, have no hesitation in setting aside the impugned order and remanding the matter back to the learned Tribunal with a direction to decide the OAs afresh. Since the petitioners have been working as Chemical Assistants with the respondent since 2008 and have also been granted interim protection by this Court, we direct that *status quo* qua their services will be maintained till the disposal of the OAs and, for a period of 6 weeks thereafter, to enable the petitioners to avail legal recourse if the need so arises.

8. Further taking into account that the matter has remained pending for the last more than 5 years, in one Court or the other, the learned Tribunal is requested to decide the OAs as expeditiously as possible after granting adequate opportunity to both sides to make their submissions.



9. List before the Registrar, Central Administrative Tribunal, on 22nd February 2024.
10. A copy of this order be forwarded to Chairman, Central Administrative Tribunal for information.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 13, 2024

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