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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 16368/2023 & CM APPL. 65812/2023 -Stay

UNION OF INDIA & ANR.

..... Petitioners

Through: Mr.Jaswinder Singh, Adv.

versus

ADITYA KUMAR DEWANGAN & ORS.

..... Respondents

Through: Ms.Sriparna Chatterjee, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

11.01.2024

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1. The present petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 11.04.2023 passed by the learned Central Administrative Tribunal (Tribunal) in O.A. No.2132/2022. Vide the impugned order, the learned Tribunal has, by relying on the decision in O.A. No.1809/2013 which was followed in O.A. No.1111/2012, allowed the OA preferred by the respondents and directed the petitioners to grant benefit of promotion to the applicants with all consequential benefits from the dates of their eligibility as against the dates from which they were actually promoted.
2. Learned counsel for the petitioners submits that the impugned order is wholly cryptic and does not even consider that vide order dated 21.02.2014 passed in O.A. No.1809/2013, on which reliance has been placed by the learned Tribunal, the respondents therein were only directed to consider the cases of the applicants therein for promotion



and no such positive directions as have been issued in the impugned order to promote the applicants from the date of their eligibility were issued. He, therefore, contends that the directions for retrospective promotion of all the applicants as have been issued by the learned Tribunal could not have been passed without examining the factual matrix of the case.

3. Issue notice. Learned counsel for the respondents accepts notice and after some arguments, submits that the respondents would have no objection if the impugned order is set aside and the matter is remanded back to the learned Tribunal to consider the OA afresh on merits by taking into consideration the entire factual matrix.
4. In the light of the aforesaid fair stand taken by the respondents and the position emerging from the record which clearly shows that the learned Tribunal has issued directions for grant of retrospective promotion to all the respondents/applicants before the learned Tribunal without even examining the factual matrix and considering the reasons for delay in grant of promotion to the respondents, hastened to allow the OA. The impugned order is, accordingly, set aside and the matter is remanded back to the learned Tribunal for fresh adjudication of the OA on merits.
5. Taking into account that OA has remained pending for quite some time before the learned Tribunal, the Tribunal is requested to make an endeavour to decide the OA within a period of six months from today.
6. It is, however, made clear that this Court has not expressed any opinion on the merits of the respondents' claim for seeking retrospective promotion from the date of their respective eligibility



which issue will be decided by the learned Tribunal after taking into account the entire factual matrix.

7. The matter be listed before the learned Tribunal on 08.01.2024 for directions.

REKHA PALLI, J

SACHIN DATTA, J

JANUARY 11, 2024

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