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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2796/2018

SANDEEP JAIN

..... Petitioner

Through: Mr.M.K.Bharadwaj with Ms.Priyanka
Bhardwaj, Mr.Arun Prakash, Advs.

versus

PRESIDENTS SECRETARIAT & ORS

..... Respondent

Through: Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor, Mr.Varun Rajawat, Mr.Varun
Pratap Singh, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

06.02.2024

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1. The present writ petition under Article 226 and 227 of the Constitution of India seeks to assail the order dated 08.02.2018 passed by the learned Central Administrative Tribunal in O.A.667/2018. Vide the impugned order, the learned Tribunal has rejected the petitioner's challenge to the order dated 02.02.2018, vide which he was from the post of Deputy Director(Art) in the President's Secretariat reverted to the post of Layout Artist in his parent department the National Museum.
2. Learned counsel for the petitioner submits that the impugned order is wholly perverse as the learned Tribunal has failed to consider any of the submissions made by the petitioner and has merely rejected the petitioner's claim by holding that the decision relied upon by him was



not applicable to the facts of the present case. He, therefore, prays that the impugned order be set aside and the matter be remanded back to the learned Tribunal for adjudication of the O.A. afresh on merits.

3. On the other hand, learned counsel for the respondents supports the impugned order and submits that even though the impugned order passed by the learned Tribunal is short, the same effectively deals with the primary claim of the petitioner. He, therefore, prays that the writ petition be dismissed.
4. Having perused the impugned order, we are inclined to accept the petitioner's plea that the impugned order does not deal with the grounds on which the impugned order was assailed before the learned Tribunal. We have also perused the original application filed by the petitioner before Tribunal and find that the impugned order does not even refer to the grounds raised by the petitioner to assail the order dated 02.02.2018. In fact what emerges is that the learned Tribunal has dismissed the O.A. by simply holding that the decision of the Apex Court in *Ramlal Khurana v. State of Punjab (1989) 4 SCC 99* relied upon by the petitioner was not applicable to the facts of the case. We are, therefore, of the opinion that the O.A. ought to be remanded back to the learned Tribunal so that the petitioner's challenge to the order dated 02.02.2018 can be adjudicated on all grounds raised by him in the O.A.
5. In the light of the aforesaid and without expressing any opinion on the rival claims of the parties, we allow the writ petition by setting aside the impugned order dated 08.02.2018 and remanding the matter back to the learned Tribunal for fresh adjudication of the petitioner's O.A.



on merits. It is, however, made clear that this order would not be construed to imply that the decision in *Ramlal Khurana(supra)* referred to in the impugned order is applicable to the petitioner's case.

6. List before the learned Registrar, Central Administrative Tribunal on 26.02.2024 for directions.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 6, 2024
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