



2025:DHC:2692-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 17.04.2025

+ W.P.(C) 15764/2024

UNION OF INDIA & ANR.

.....Petitioners

Through: Mr. Vineet Dhanda, CGSC with
Ms. Akansha Choudhary Adv

versus

AKHILESH KUSHWAHA & ORS.

.....Respondents

Through: Mr. Samarth Luthra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 22446/2025

1. This application has been filed on behalf of the respondents, praying that the matter be remanded back to the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as 'Tribunal') for a *de-novo* consideration along with the Original Application. 2132/2022 (O.A.) titled ***Aditya Kumar Dewangan & Ors. v. Union of India & Ors.***

2. This Court, in fact, while issuing notice in this petition, had itself observed that the petition deserves to be remanded back for a *de-novo* consideration by the learned Tribunal. We reproduce the order as under:

*“ 1. The Tribunal, has in passing the order under challenge, solely relied on its earlier decision in **Aditya Kumar Dewangan v UOI**. The said decision was carried to this Court in this writ petition which was challenged*



2025:DHC:2692-DB



before this Court at the instance of the UOI by way of WP(C) 16368/2023.

2. *By judgement dated 11 January 2024, the said writ petition has been allowed by setting aside the order passed by the Tribunal and remanding the matter to the Tribunal for do-novo consideration.*

3. *We recall that, in similar challenge, which came before us in which the Tribunal has relied on **Aditya Kumar Dewangan**, we have set aside the impugned order and remanded the matter to the Tribunal for re-consideration de-hors the judgement in **Aditya Kumar Dewangan**.*

4. *However, as there is no appearance on behalf of the respondents, issue notice to show cause as to why rule nisi be not issued.*

5. *Notice be served on the respondents through learned Counsel who appeared on their behalf before the Tribunal.*

6. *Counter affidavit, if any, be filed within four weeks with advance copy to learned counsel for the petitioners, who may file rejoinder thereto, if any, within four weeks thereof.*

7. *Re-notify on 15 May 2025."*

3. The learned counsel for the petitioners does not oppose the present application.

4. Accordingly, the impugned order is set aside, and the matter is remanded back to the learned Tribunal for fresh consideration *de-novo* to be heard along with O.A. 2132/2022, tiled **Aditya Kumar Dewangan & Ors. v. Union of India & Ors..**



2025:DHC:2692-DB



5. The petition along with the present application stands disposed of in the above terms.
6. The next date, that is, 15.05.2025, stands cancelled.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 17, 2025/Pr/Sm/DG

Click here to check corrigendum, if any