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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3336/2026 & CM APPL. 16119/2026**

PRATIMA KUMARI GUPTA

.....Petitioner

Through: Mr. Puneet Mittal, Mr. R.P. Singh and
Mr. Abhiesumat Gupta, Advocates
with Petitioner (in-Person).

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Mukul Singh, CGSC with Mr.
Aryan Dhaka and Ms. Sunidhi Tyagi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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16.03.2026

1. The Petitioner was appointed as a Judicial Member of the Central Administrative Tribunal (CAT) pursuant to the recommendations of a Search-cum-Selection Committee constituted under the aegis of the Supreme Court. She joined pursuant to an offer of appointment dated 16th August, 2021 and demitted office on 16th August, 2025 upon completion of a tenure of four years, as stipulated under the Tribunals Reforms Act, 2021.
2. The grievance of the Petitioner is that her selection process emanated from an advertisement dated 1st February, 2018, which, in terms of subsequent developments including a corrigendum dated 9th April, 2019, stood governed by the Administrative Tribunals Act, 1985 (hereinafter "the old Act") read with the A.T. (Procedure for Appointment of Members) Rules, 2011. Under the said regime, Members are entitled to a tenure of five years along with attendant service benefits.
3. It is the Petitioner's case that the Supreme Court, in W.P.(C) No. 640/2017 and connected matters, had issued interim directions mandating



that appointments pursuant to the concerned selection process would be governed by the old Act and the Rules of 2011. These directions were reiterated from time to time. It is further pointed out that the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017 and the subsequent 2020 Rules have been struck down. Ultimately, by judgment dated 19th November, 2025 in ***Madras Bar Association v. Union of India & Anr.***, W.P.(C) No. 1018/2021, Supreme Court clarified that where the selection process had concluded prior to the coming into force of the Tribunals Reforms Act, 2021, appointments would continue to be governed by the parent statutes and not by the 2021 Act.

4. The Petitioner submits that she is identically situated to other Judicial Members selected through the same process, including Justice Vijay Lakshmi, Ms. Harvinder Oberoi and Ms. Lata Baswaraj Patne. It is contended that while similarly placed appointees have been extended the benefit of the old Act, the Petitioner has been denied such treatment, resulting in discrimination. It is also pointed out that in the case of Members of other Tribunals, including the Income Tax Appellate Tribunal (ITAT), similar benefits have been extended pursuant to the aforesaid judgment of the Supreme Court.

5. It is also brought to the notice of this Court that the Petitioner has submitted a representation dated 23rd December, 2025 seeking, *inter alia*, reinstatement/rejoining as Judicial Member, CAT with all consequential benefits or, in the alternative, extension of tenure so as to enable completion of the full five-year term in terms of the old Act.



6. Having considered the submissions and the material placed on record, this Court is of the *prima facie* view that the Petitioner has raised substantial issues warranting consideration, particularly in light of the judgment dated 19th November, 2025 and the treatment extended to similarly placed Members. However, since the Petitioner's representation dated 23rd December, 2025 is stated to be pending consideration with the Respondents, this Court deems it appropriate to direct the Respondents to take a considered decision thereon in the first instance.

7. The correspondence on record indicates that the CAT has sought clarification from the Department of Personnel and Training (DoPT) in this regard, and pointed that in certain comparable cases, consequential benefits have been extended in compliance with the judgment of the Supreme Court.

8. Accordingly, the present writ petition is disposed of with a direction to the Respondents to consider and decide the Petitioner's representation dated 23rd December, 2025, treating the present writ petition also as part of the said representation, and to pass a reasoned order thereon within a period of four weeks from today.

9. It is made clear that in the event the Petitioner remains aggrieved by the decision so taken, it shall be open to her to avail appropriate remedies in accordance with law.

10. Pending application(s), if any, also stand disposed of.

SANJEEV NARULA, J

MARCH 16, 2026

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