

\$~23 (2021)

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

Date of decision: 30.07.2021

+ **W.P.(C) 7329/2021**

PANKAJ SHUKLA AND OTHERSPetitioners
Through: Mr. Narender Kaushik and Mr.
Pankaj Kaushik, Advocates.

versus

GOVT OF NCT DELHI AND OTHERS Respondents
Through: Mrs. Avnish Ahlawat, Advocate.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J.: (ORAL)

[Court hearing convened via video-conferencing on account of COVID-19]

CM APPL. 23075/2021 & CM APPL. 23076/2021

1. Allowed, subject to just exceptions.

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2. This writ petition is directed against the order dated 15.02.2021, passed by the Central Administrative Tribunal (in short 'the Tribunal') in O.A. nos. 995/2019, 1789/2020 and 1791/2020.

2.1. The Tribunal, by way of a brief order, has closed the O.A.s, as a contempt petition is pending in this Court, against the judgement dated 06.11.2013, passed by this Court, in W.P. (C) 6798/2002 titled '*Sonia Gandhi & Ors. v. Govt. of NCT of Delhi & Ors.*'

3. Ms. Avnish Ahlawat, who appears on advance notice on behalf of the respondents, says that the said judgement does not apply to the petitioners.

3.1. Ms. Ahlawat has gone on to state that the judgement of the Supreme Court rendered in '*Secretary State of Karnataka & Ors. vs. Uma Devi & Ors.* 2006 (4) SCC 1' would also not apply to the petitioners, as they had joined the service, after the said judgement was rendered.

4. Clearly, even according to the respondents, the matter requires adjudication on merits.

4.1. We are also of the opinion that if the Tribunal was of the view that the judgement in *Sonia Gandhi* (Supra) was applicable to the petitioners, it could have disposed of the matter, after giving reasons, in terms of the said judgement. The Tribunal has done neither, and therefore, the impugned order is set aside.

5. The O.A.s referred to hereinabove, will stand restored to their original position. The Tribunal will dispose of the same, on merits, after hearing both the sides. Since the aforementioned O.A.s, even according to the Tribunal, have been pending for quite some time, the Tribunal is requested to take up, and dispose of the same, at the earliest.

RAJIV SHAKDHER, J

TALWANT SINGH, J

JULY 30, 2021

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[Click here to check corrigendum, if any](#)