
(2020) 01 DEL CK 0261

In the Delhi High Court

Case No : Civil Writ Petition No. 3802 Of 2019

Ved Prakash Yadav

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 21-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0261

Hon'ble Judges : G.S.Sistani, J;Anup Jairam Bhambhani, J

Bench : Division Bench

Advocate : Mukesh M. Goel, Satyendra Kumar, Amit Sinha, A.S. Singh, Brijesh K. Tamber, Deepika Raghav

Judgement

G.S. Sistani, J

CM.APPL 40061/2019

1. The present petition has been filed being aggrieved by the decision dated 10.10.2018 rendered by the Central Administrative Tribunal (the 'Tribunal'), whereby TA/100/32/2013 was disposed of by the Tribunal, leaving it open to the petitioner to make a representation to the respondents regarding the consequential benefits which he claims he is entitled to.

2. The predecessor Bench passed an order dated 12.04.2019 with the following observations:

"In our view, the Tribunal should have examined the claim of the petitioner. Since he had been exonerated with consequential benefits, the respondents should have been directed to ensure that he gets continuity of service; back wages/ salary, if any, not paid to him; increments; consideration for promotions on due dates when his juniors were promoted; etc.

In our view, the petitioner had sufficiently set out his claim in his writ petition. He had also filed an additional affidavit in the TA dated 29.08.2013 setting out his claim in detail. The tendency of the Tribunal in relegating the applicants to

preferring repeated representations whenever they approach the Tribunal to seek reliefs, in our view, is not the appropriate way of dealing with matters. Experience has shown that such repeated representations hardly ever yield any satisfactory results for the applicant. On the other hand, it leads to wastage of time and also unnecessary expenses for the applicant, who would once again have to employ a counsel, pay his fee to prefer another Original Application once the representation is decided.

In fact, in its recent decision *The Govt. of India & Anr. V. P. Venkatesh*, Civil Appeal No. 2425/2019, decided on 01.03.2019, the Supreme Court itself has reproached this increasing practice of disposing cases with mere directions to the authority in question to decide the representations preferred by the concerned litigants, by observing as under:

"This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. By the time, the High Court issued its direction on 9 August 2016, nearly twenty one years had elapsed since the date of the death of the employee."

In our view, the Tribunal should as far as possible, deal with the claim of the applicant on merits when he approaches the Tribunal after disclosing the case and raising his grievance with the concerned department.

In our view, the Tribunal should have dealt with the TA on merits taking into consideration the materials brought on record. We, accordingly, set aside the impugned order and remand the TA back to the Tribunal for consideration on merits. The same be considered and disposed of in the next six months.

The parties shall appear before the Tribunal on 25.04.2019.

The petition stands disposed of in the aforesaid terms."

3. In the backdrop of the remand made by the Division Bench, which was based on observations made by the Supreme Court, an order dated 14.05.2019 passed by the Tribunal is brought to our notice, which we reproduce below:

"In the recent past, it has become almost routine to remand almost every matter that has gone before a Hon'ble Bench of the Delhi High Court from the Tribunal. The result is that the old cases which we have disposed of by undertaking special sittings, are being sent back by showing one cause or the other. Had it been an exception, we would have readily undertaken the hearing of these matters. However, the instances are many and the list of old cases is almost getting recycled.

2. To avoid the situation of old cases being shown as pending even after disposed, we direct this TA to be renumbered as OA of the year 2019 and it shall be taken up for hearing on its own turn."
4. We are informed by learned counsel for the petitioner/applicant that the matter is now listed before a learned Single Bench of the Tribunal on 31.01.2020 for further directions, whereas the matter is in fact to be heard by a Division Bench of the Tribunal.
5. We have heard the learned counsel for the parties.
6. We are extremely disappointed and disturbed by reading what has been observed by the Tribunal in its order dated 14.05.2019. At this stage, we would like to say no more.
7. Accordingly, we direct that the OA be listed before a Division Bench of the Tribunal on 31.01.2020 for final hearing, on which date no adjournment would be granted to either of the parties.
8. A copy of this order be brought to the notice of the Chairman of the Tribunal.
9. Awaiting the order of the Tribunal, list the matter for further directions before this Court, on 13.03.2020.
10. A copy of this order be given dasti to the parties under the signatures of the Court Master.