



2025:DHC:459-DB



§~81

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

+ W.P.(C) 204/2008 &amp; CM APPL. 397/2008

UOI THR. SECRETARY MINISTRY OF  
DEFENCE

.....Petitioner

Through:

versus

K. ZACHARIAH &amp; ORS.

.....Respondent

Through:

**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE AJAY DIGPAUL****ORDER (ORAL)****22.01.2025**

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**C. HARI SHANKAR, J.**

1. There is no appearance on behalf of the parties. Nor was there any appearance on behalf of the parties on the last date of hearing. However, in a recent decision involving an identical issue, we have already taken a view. The order passed in this case is identical. The Central Administrative Tribunal<sup>1</sup>, in these cases, decided the OA, solely relying on the judgment of the Supreme Court in *Y V Rangaiah v J Sreenivasa Rao*<sup>2</sup>. However, subsequently, a Three-Judge Bench of the Supreme Court has, in *State of Himachal Pradesh v Rajkumar*<sup>3</sup>, overruled *Rangaiah*.

2. Accordingly, we have, in an identical matter, remanded the case

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<sup>1</sup> "Tribunal" hereinafter

<sup>2</sup> 1983 (3) SCC 284

<sup>3</sup> (2023) 3 SCC 773



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to the Tribunal for afresh consideration *dehors* the decision in ***Rangaiah*** after taking into account the judgment in ***Rajkumar***.

3. Accordingly, adopting the same view, this writ petition is disposed of setting aside the impugned judgment dated 16 March 2007 passed by the Tribunal.

4. OA 2498/2005 is remanded to the Tribunal for afresh consideration without taking into account the judgment of the Supreme Court in ***Rajkumar***. Needless to say, the Tribunal would not be influenced by any observations contained in the impugned order. The writ petition is accordingly disposed of.

5. As the parties are not represented, let a copy of this order be forwarded by the Registry electronically as well as otherwise to the parties or to learned Counsel if they are represented.

**C. HARI SHANKAR, J.**

**AJAY DIGPAUL, J.**

**JANUARY 22, 2025/ar**

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