



2025:DHC:7590-DB



§~ 9

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 01.09.2025***+ W.P.(C) 10216/2021 & CM APPL. 31496/2021  
DDA

.....Petitioner

Through: Mr.Arun Birbal and Mr.Sanjay  
Singh, Advs.

versus

RS RANA

.....Respondent

Through: Mr.Sahil Garg, Mr. Abhishek  
Dhaiya, Mr.Abhinav Jain,  
Mr.Mithil Malhotra and  
Mr.Aryan Pandey, Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioner, challenging the Order dated 11.01.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.1336/2020, titled ***R. S. Rana v. Delhi Development Authority***, allowing the O.A. filed by the respondent herein in the following terms:

*"12. We are of the view that the entire issue can be closed by directing that the promotion of the applicant to the post of Assistant Director shall be prospective from 15.03.2012. Any benefit that accrued to the applicant, anterior to 15.03.2012, i.e. the one for the period between 24.01.2006 and 15.02.2012 extended to him by the respondents shall be refunded within six weeks.*

*13. The OA is accordingly allowed in part*



*modifying the order of punishment to the effect that the order of promotion dated 15.03.2012 promoting the applicant from 24.01.2006 shall be prospective in operation, subject to the applicant refunding the benefit, if any, he has got on the basis of the retrospective promotion, within six weeks from the date of receipt of a copy of this order.  
There shall be no orders as to costs.”*

2. The above O.A. had been filed by the respondent praying for the following reliefs:

“7. **RELIEF SOUGHT:**

*In view of the above stated facts and circumstances, the Applicant shall forever duty bound most humbly and graciously pray that this Hon’ble Tribunal maybe pleased to:-*

7.1. *Allow the present OA and thereby quash and set aside the impugned Order dated 18.11.2019 passed by the Respondent, imposing penalty upon the Applicant by reducing his status from Assistant Director to the post of Sr. Stenographer/Personal Assistant for three years with a reduced pay as on 24.01.2006 in furtherance to the Memorandum No. 27(08)20 13Vig./Sr.A.O (Vig.)/7936-7940 dated 06.06.2013 and consequent Disciplinary Authority (DA) report dated 30.04.2014 holding the Applicant guilty on the charges of misuse of official power and tampering of answer sheets for securing promotion.*

7.2. *Quash and set aside the Order dated 12.03.2020 whereby the Order dated 18.11.2019 was upheld, however, the penalty was modified from three years to 31.08.2020 [only because imposition of three years penalty was impossible as the Applicant was superannuating on 31.08.2020];*

7.3. *Grant all consequential benefits such as promotions, ACP/MACP, etc. that are available to the Applicant in terms of the*



*Rules and the Law;*

*7.4. Allow exemplary costs of the present OA to the Applicant against the Respondent;”*

3. From the above, it would be apparent that the respondent had, in fact, challenged before the learned Tribunal the penalty imposed upon him by the Order dated 18.11.2019 as modified by the Order dated 12.03.2020 issued by the petitioner herein.
4. The learned Tribunal, however, instead of adjudicating on the validity of the disciplinary proceedings, held that as, in any case, the respondent had been promoted to the post of Assistant Director on 15.03.2012 (the correct date is 19.05.2011), any benefits accruing to him from that date should be given while any benefits that accrued to him prior to the said date shall be refunded by him within a period of six weeks.
5. We, however, find that the learned Tribunal has not given any reasons for modifying the penalty imposed on the respondent.
6. At the same time, the learned counsel for the respondent submits that the learned Tribunal has also not adjudicated on the merits of the challenge of the respondent to the disciplinary proceedings. He submits that the Order was, in fact, passed on consent.
7. As far as the submission that the Order was on consent is concerned, not only is the same refuted by the learned counsel for the petitioner, but we also find that there is no indication in the Impugned Order that the said Order was passed with the consent of the parties.
8. Accordingly, the Impugned Order being unreasoned and not



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adjudicating the main dispute between the parties, we have no option left but to set aside the same.

9. The O.A. is restored back to its original number. The learned Tribunal shall re-adjudicate the O.A. on its merits after hearing the parties.

10. The parties shall appear before the learned Tribunal on 22.09.2025.

11. As the O.A. has been pending adjudication since the year 2020, we request the learned Tribunal to expedite the hearing of the same and decide the same, preferably within a period of six months from its first listing.

12. The Writ Petition along with the pending application is disposed of in the above terms.

**NAVIN CHAWLA, J**

**MADHU JAIN, J**

**SEPTEMBER 1, 2025/sg/SJ**