



11.11.2024
Item No.37
Ct. No.26
CHC
(disposed of)

WP.CT 221 of 2024

**Union of India & Ors.
Vs.
Shri Bachan Pandey**

Mr. S. K. Ghosh, Advocate
Mrs. Sarda Sha, Advocate
...for the petitioner

Mr. S. K. Datta, Advocate
Mr. Barun Chatterjee, Advocate
...for the respondent

1. Writ petition is directed against the judgment and order dated April 3, 2024 passed in O.A./350/00390/2022 by the Central Administrative Tribunal.
2. Learned advocate appearing for the writ petitioner submits that, an Administrative Member of the Central Administrative Tribunal sitting singly disposed of the Original Application. He relies upon an unreported judgment and order dated July 19, 2021 passed by the coordinate Bench in W.P.C.T. 151 of 2011 (Smt. Jayati Chakraborty vs. Union of India & Ors.) and our order dated April 17, 2011 passed in R.V.W. 164 of 2010 in W.P.C.T. 246 of 2010.
3. Private respondent is represented.



4. In R.V.W. 164 of 2010, the coordinate Bench was concerned with an order passed by Administrative Member of the Tribunal sitting singly.
5. The coordinate Bench noted judgment of the Supreme Court and held that, powers of the Tribunal should not be exercised by Single Member (Bench) consisting of Administrative Member only. The order impugned before coordinate Bench passed by the Administrative Member of the Tribunal sitting singly was set aside.
6. In *Smt. Jayati Chakraborty (supra)* another coordinate Bench noted the decisions of the Supreme Court as well as the decision dated April 17, 2011 passed in R.V.W. 164 of 2010 and held that, the Administrative Member of the Tribunal sitting singly cannot decide the proceeding.
7. In the facts of the present case, Administrative Member sitting singly passed the impugned order. The impugned order relates to the merits of the matter.
8. In such circumstances, the impugned order dated April 3, 2024 passed by the Central Administrative Tribunal is set aside.
9. O.A./350/00390/2022 is remanded to the Central Administrative Tribunal for decision on merit.
10. WP.CT 221 of 2024 is disposed of without any order as to costs.



11. Since the original proceeding are pending for a considerable period of time before the Central Administrative Tribunal, it would be appropriate to request the Central Administrative Tribunal to hear and dispose of O.A./350/00390/2022 as expeditiously as possible and preferably within four months from date.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)