

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS. 8447-8448 OF 2014**

**UNION OF INDIA & ORS.**

**Appellant(s)**

**VERSUS**

**NAYEEMA AHMAD**

**Respondent(s)**

**ORDER**

The respondent applied for Voluntary Retirement with effect from 21.06.1999. She submitted her subsequent request letter to the authorities to change the date of Voluntary Retirement with effect from 01.04.2000 in place of the date of notice of retirement previously given i.e. 21.06.1999. The request of Voluntary Retirement as given on 21.06.1999 was accepted by the authorities, which was challenged before the Central Administrative Tribunal by filing the Original Application No. 736/JK/2012.

As the application was filed belatedly, therefore, on the first day, notice on the application seeking condonation of delay was issued. The Order Sheets dated 17.07.2012, 03.08.2012, 07.09.2012, 25.09.2012, 15.10.2012 and 21.11.2012 produced before this Court indicates that after seeking time, the counter affidavit to the application for condonation of delay was filed. Thereafter, the case was

heard and decided on merits on 07.01.2013 after condoning the delay. It is apparent that without issuing the notice on merits of the Original Application, the case was decided on merits and the original application was allowed.

Mr. Reyas Jan, learned senior counsel appearing for the respondent, made an attempt to satisfy this Court that because of a Judgment on the same issue by a Coordinate Bench of the Tribunal, the case was decided on merits and in such a situation, issuance of notice and asking of the response of the appellant was not necessitated. We cannot countenance the said argument.

In view of the said fact, in our view, without issuing the notice on the merits of the Original Application and asking response of the appellant, the Original Application was decided by the Tribunal. At this stage, in our opinion, it is not necessary to observe anything on the merits of the case, as it may prejudice the contentions of the parties before the Tribunal. We have decided to remit the matter back. We are also of the view that on filing the petition before the High Court, the Division Bench has not considered the said aspect and simply dismissed the writ petition reserving liberty to pursue for misconduct, if any. The orders passed by the Tribunal and the High Court are set aside. The

matter is remitted back to the Central Administrative Tribunal with a direction to restore the Original Application and decide the same on merits after affording an opportunity to the parties.

Considering the fact that this application is of the year 2012 and the litigation is pending since long, therefore, the Tribunal shall decide the Original Application as expeditiously as possible. The parties shall appear before the Tribunal on 04.12.2023. On appearance, the parties shall complete their pleadings within two weeks. Thereafter, the case shall be decided within three months.

In view of the foregoing, the appeals are disposed of.

Pending interlocutory application(s), if any, would stand disposed of.

.....**J.**  
[ **J. K. MAHESHWARI** ]

.....**J.**  
[ **K. V. VISWANATHAN** ]

**New Delhi;**  
**NOVEMBER 09, 2023.**

ITEM NO.110

COURT NO.12

SECTION XII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8447-8448/2014

UNION OF INDIA &amp; ORS.

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VERSUS

NAYEEMA AHMAD

Respondent(s)

Date : 09-11-2023 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE K.V. VISWANATHANFor Appellant(s) Mr. Rajeev Sharma, Sr. Adv.  
Mr. Uddyam Mukherjee, AOR  
Mr. Saket Chandra Roy, Adv.  
Mr. Swapnil Pattanayak, Adv.For Respondent(s) Mr. Reyaz A Jan, Sr. Adv.  
Mr. Mohd. Parvez Dabas, Adv.  
Mr. Uzmi Jameel Husain, Adv.  
Mr. Aqib Baig, Adv.  
Mr. Mohd. Shahib, Adv.  
Mr. Mohd. Shakim, Adv.  
M/S. Shakil Ahmad Syed, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The Civil Appeals are disposed of in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
ASTT. REGISTRAR-cum-PS(VIRENDER SINGH)  
BRANCH OFFICER

(Signed order is placed on the file)