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

+ W.P.(C).3414/2014

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Judgment dated 09th September, 2015

GULAB SINGH SRIVASTAVA

..... Petitioner

Through : Mr. Sanjiv Joshi, Advocate

versus

SAFDARJUNG HOSPITAL & ORS.

..... Respondents

Through : Dr. Ashwani Bhardwaj, Advocate for
respondents no.1 to 3.

Ms. Arati Mahajan Shehda with Mr.

Manoj Kumar, Advocate for respondent
no.4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Challenge in this writ petition is to the order dated 10.05.2013 passed by the Central Administrative Tribunal by which the review petition filed by one Amar Singh (private respondent) Respondent no.4 was allowed.
2. The learned counsel for the petitioner submits that there were no grounds for the Tribunal to review its own order, more particularly, when the review petitioner was *ex parte* during the proceedings before the CAT as is evident from the order of the learned Tribunal. Mr.Joshi further submits that once the order passed by the CAT had attained finality, merely because a document was discovered subsequently by the review petitioner, on this ground alone the order dated 27.8.2010 could not have been reviewed.
3. Learned counsel for respondent no.1 submits that respondent no.1 had also assailed the order passed by the Central Administrative Tribunal by filing a writ petition in the Delhi High Court. During the pendency of the writ petition, the review petition filed by the private respondent was allowed

and consequently respondent no.1, Safdarjung Hospital, did not press its writ petition and the same was dismissed as not pressed.

4. Dr.Bhardwaj, learned counsel appearing on behalf of respondents no.1 to 3, and Ms.Arati Mahajan, learned counsel for respondent no.4, jointly submit that the CAT had allowed the OA while observing that an ineligible person i.e. respondent no.4 has been appointed on promotion vide the impugned order. Learned counsel further submit that this conclusion was reached by the Tribunal as the clarification from the Rehabilitation Council of India (RCI) was not available.
5. We have heard the learned counsel for the parties. We find no ground to interfere with the order passed by the Tribunal for two reasons, firstly, that the order dated 27.08.2010 was challenged by respondents no.1 to 3 by filing a writ petition, which writ petition stands dismissed as withdrawn on the ground that the review petition was allowed and, secondly, the OA was allowed on the ground that an ineligible person was promoted whereas the subsequent document would have a direct bearing on the merits of the petition.
6. Resultantly, the writ petition is dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 09, 2015

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