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

+ **W.P.(C) 9733/2015**

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Date of Judgment : 13.10.2015

R.P. MEENA

..... Petitioner

Through : Mr. Rajeev Sharma, Advocate.

Versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondent

Through : Mr. Rajeev, Advocate for
Mr. Gaurang Kanth, Advocate for
NDMC.

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 17.10.2014 passed by the Central Administrative Tribunal by which an OA filed by the petitioner was dismissed. The grievance of the petitioner before the Tribunal was that an OA No. 1276/2012 was decided on 30.04.2014 by which a direction has been issued to finalize a seniority list while quashing the promotion order of 151 officers and also the seniority list on 298 officers.
2. Mr. Sharma, Counsel for the petitioner submits that that order would directly affect the petitioner as the petitioner was not made a party in the OA. Counsel further submits that the petitioner was thus forced to file an OA which stands dismissed. Counsel submits that the case of

the petitioner would be covered by the decision rendered by the Hon'ble Supreme Court of India in the case of *K. Ajit Babu Vs. Union of India & Ors., 1997 (6) SCC 473*.

3. Learned counsel for the respondents enter appearance on an advance copy and submit that the Tribunal has rightly held that a fresh OA would not be the correct remedy as the petitioner cannot be allowed to assail the order of the Central Administrative Tribunal before the Tribunal itself. The proper recourse, if available to the petitioner, would be by filing a Review. The respondents also contest the fact that the right of the petitioner has been adversely decided by the Tribunal in its earlier order dated 30.04.2014. Mr. Sharma submits that the only reason why he did not file a Review was for the reason that the scope in a Review Petition is limited.
4. We have heard the learned counsel for the parties.
5. We dispose of this matter on admission stage with the consent of the parties.
6. We grant leave to the petitioner to file a Review Petition. We find that the contentions of Mr. Sharma that the scope of Review would be limited is without any force as in the Review Petition the petitioner has to establish that he was a proper party in the earlier OA and in case the Review is allowed, all grounds which may be available to the petitioner can be urged before the Tribunal.
7. With these directions, the petition is disposed of. The respondent will not raise the plea of limitation if the Review is filed within two weeks from today. All rights and legal objections of all parties are kept open.

CM APPL. 23352/2015 (Stay)

8. In view of the order passed in the writ petition, the application stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 13, 2015/sc