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

+ **W.P.(C) 6173/2016**

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Judgment Dated: 19th July, 2016

ANITA MEENA

..... Petitioner

Through : Mr. U. Srivastava, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr.V.S.R. Krishna, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S. MEHTA

G.S.SISTANI, J (ORAL)

CM APPL. 25327/2016

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

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3. Challenge in this writ petition is to the order dated 22.12.2015 passed by the Central Administrative Tribunal (hereinafter referred to in short as '*the Tribunal*') by which the OA filed by the petitioner stands dismissed.
4. The petitioner herein had appeared for recruitment for Grade-D post as advertised by the Railway Recruitment Cell, Northern Railway. He was issued an admit card and had appeared in the written test, physical test and was medically examined. However, when the final results were declared, he was declared unsuccessful on the ground "case rejected by experts".
5. The petitioner filed an OA for setting aside and quashing the action of the respondents and directing the respondents to consider his

appointment to the Grade-D post in the Northern Railway as per the employment Notification dated 17.12.2010. He had also prayed for consequential benefits.

6. Counsel for the petitioner submits that identical matters arising out of the impugned order have been remanded back by this Court on 26.05.2016 in W.P.(C). Nos.4379/2016 and 4396/2016 with a direction to the Tribunal to hear the matters afresh with reference to the factual background and matrix of each case and, if required, the records shall be produced by the respondents.
7. Mr. Krishna appears on behalf of the Railway Recruitment Cell, Northern Railway, respondent no.2, the contesting respondent. It is not disputed that two writ petitions have been disposed of in identical matters.
8. Accordingly, we quash the impugned order dated 22.12.2015 passed by the Tribunal regarding the petitioner herein and remand the matter back to the Tribunal. The Tribunal will hear the matter afresh with reference to the factual background of this case.
9. The writ petition is disposed of accordingly.
10. We clarify that we have not expressed any opinion on the merits of the case and the observations made above are only for disposal of the present writ petition.

G.S.SISTANI, J

I.S. MEHTA, J

JULY 19, 2016

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