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

+ W.P.(C) 2588/2019

UNION OF INDIA AND ORS.

..... Petitioner

Through: Mr. Arun Bhardwaj, Advocate

versus

MOHIT KUMAR AND ORS.

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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15.03.2019

C.M. No.12043-44/2019

Exemption allowed, subject to all just exceptions. Applications stand disposed of.

C.M. No.12045/2019

For the reasons stated in the application, the same is allowed. Application stands disposed of.

W.P.(C) 2588/2019

The petitioner Union of India assails the order dated 04.04.2018 passed in O.A. No.1340/2018. The tribunal disposed of the said O.A. by placing reliance on the decision of this Court in *Union of India & Ors. V. Pankaj Nain & Ors.* in W.P. (C) No.11277/2016.

The submission of the petitioner is that the tribunal has placed reliance on ***Pankaj Nain*** (supra), whereas the material facts of the present case are different.

A perusal of the impugned order shows that this contention was not raised before the tribunal when it disposed of the O.A. The petitioner could have pointed out the difference, if any, by moving a review application. That has not been done. In any event, considering the fact that the tribunal has not recorded the facts in the impugned order while allowing the same in terms of ***Pankaj Nain*** (supra), we permit the petitioner to move a review application and to point out the difference in the facts of the present case when compared to ***Pankaj Nain*** (supra).

If such an application is moved within the next two weeks, the tribunal should consider the same without raising the plea of limitation or maintainability.

The petition stands disposed of in the aforesaid terms. We, however, make it clear that we have not interfered with the impugned order.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 15, 2019

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