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

+ W.P.(C) 3803/2019

ALEX KUMAR AND ANR. .... Petitioner

Through: Mr. VVR Rao, Adv. with petitioner  
No.1.

versus

UNION OF INDIA AND ORS. .... Respondent

Through: Mr. Prateek Dhanda with Mr. Waize  
Ali Noor, Advs. for R-1 and R-2.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

**16.04.2019**

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**C.M. No. 17380/2019**

Exemption allowed, subject to all just exceptions. The application stands disposed of.

**W.P.(C) 3803/2019 & C.M. Nos. 17381, 17382/2019**

Issue notice. Counsel for the respondent accepts notice. In view of the limited controversy arising in the present case and the order that we propose to pass, we do not consider it necessary to call for a reply.

The petitioners are two in number. The petitioners along with respondent No. 3 to 25 preferred PT No.100/42/2019 before the Principal Bench of Central Administrative Tribunal, New Delhi. The Tribunal has rejected the said Transfer Petition by the impugned order, on the premise that only the first applicant is residing in Delhi and five of the applicants are from Maharashtra and one is from Kalyan.

The Tribunal is of the view that it would not be difficult for the other

applicants, who are from Maharashtra, to move before the Mumbai Bench of the Tribunal.

It is not disputed that so far as petitioner No. 1 is concerned, he is entitled to move the Principal Bench of the Tribunal since he is a resident of Delhi. The cause of action of the petitioners and respondent No.3 to 25 is the same. Even if, different original applications were to be preferred by the original applicants in different Benches of the Tribunal all over the country – since they are residing in different states, they would make a strong case for consolidation of all the Original Applications, since common issues of fact and law would arise in their respective Original Applications.

Pertinently, the Petition for Transfer was supported by affidavits of all the original applicants and, therefore, the other applicants had no objection to the Original Application being preferred before the Principal Bench of the Tribunal.

In these circumstances, merely because some of the applicants are from Maharashtra (Mumbai/ Kalyan), is no reason to decline the Petition for Transfer. We, therefore, allow the petition for transfer and direct the Tribunal to hear the Original Application on merits.

The parties shall appear before the Tribunal on 29.04.2019.

The petition stands disposed of in the aforesaid terms.

Dasti.

**VIPIN SANGHI, J**

**REKHA PALLI, J**

**APRIL 16, 2019**

*N.Khanna*