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

+ **W.P.(C) 1104/2024**

SHRI BRAHAM SINGH

..... Petitioner

Through: **Mr. Kumar Rajesh Singh, Advocate.**

versus

UNION OF INDIA AND ORS

..... Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

24.01.2024

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CM APPL. 4632/2024

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

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3. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 08.11.2023 passed by learned Central Administrative Tribunal in O.A. No. 3856/2017. Vide the impugned order, the learned Tribunal has rejected the original application preferred by the petitioner by inter alia holding that the petitioner had failed in the trade test for the Post of Train Lighting Fitter (TLF) Grade III conducted in the year 1991 in which Sh. Sansar Chand, who was junior to him had qualified. Learned counsel for the petitioner submits that this finding is factually incorrect as the



petitioner was never given any opportunity to appear in any trade test and, therefore, there was no occasion to hold that he was unsuccessful in the said test.

4. In light of this plea taken by the learned counsel for the petitioner, we are of the considered view that in case this plea of the petitioner is accepted, the same would amount to correcting a purported factual error in the impugned order and, therefore, the appropriate remedy of the petitioner is to approach the learned Tribunal by way of a review application.

5. At this stage, learned counsel for the petitioner seeks leave of this Court to withdraw the present writ petition with the liberty to approach the learned Tribunal by way of a review application.

6. The present writ petition is, accordingly, dismissed as not pressed with the liberty as prayed for.

7. It is directed that in case a review application is filed within four weeks from today, the same will be considered by the learned Tribunal and not be dismissed on the ground of delay. Needless to say that in case the petitioner is aggrieved by the order passed in the review application, it will be open for him to approach this Court again.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 24, 2024

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