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

+ **W.P.(C) 3439/2024 AND CM APPL. 14026-27/2024**

UNION OF INDIA

..... Petitioner

Through: Mr. Ranjan Tyagi, Advocate.

versus

RAJESH KUMAR AND ORS.

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

06.03.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 07.11.2022 passed by the learned Central Administrative Tribunal in O.A. No. 3572/2015. Vide the impugned order, the learned Tribunal has allowed the original application preferred by the respondents by simply relying on the order dated 10.01.2020 passed by the Jodhpur Bench of the learned Tribunal in O.A. No. 292/2013.

2. A perusal of the record shows that the order dated 10.01.2020 passed by the learned Tribunal was unsuccessfully assailed before the High Court of Judicature for Rajasthan at Jodhpur by way of W. P. (C) No. 3847/2021.

3. Learned counsel for the petitioner, however, seeks to contend that issue raised in O.A. 3572/2015 was not similar to that raised in



O.A. No. 292/2013 and therefore, the learned Tribunal erred in relying on the decision of the Jodhpur Bench of the Tribunal while passing the impugned order.

4. If that be so, the remedy of the petitioner lies elsewhere. When faced with this situation, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to file a review petition before the learned Tribunal.

5. This petition along with pending applications is, accordingly, dismissed as withdrawn with the liberty as prayed for.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 6, 2024

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