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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6896/2024

UNION OF INDIA & ORS.

..... Petitioners

Through: Mr.Vijay Joshi & Mr.Shubham
Chaturvedi, Advs.

versus

MORE SINGH & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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14.05.2024

CM APPL. 28727/2024 & CM APPL. 28728/2024

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 6896/2024 & CM APPL. 28726/2024 (stay)

3. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 24.08.2023 passed by the learned Central Administrative Tribunal (Tribunal) in OA No.899/2016. Vide the impugned order, the learned Tribunal has allowed the original application (OA) filed by the respondent no.1/applicant by holding that the petitioner was not able to explain as to how the remarks "exempted/already passed" were endorsed against the name of the respondent no.1 in the list of candidates who had passed the trade test and therefore, a presumption had to be drawn that the respondent had already been exempted from appearing in the



Trade Test at the time of joining service itself.

4. Learned counsel for the petitioners submits that the impugned order is liable to be set aside as the learned Tribunal has failed to appreciate that the respondent no.1 was granted exemption only pursuant to the order dated 30.03.2006 passed by the Tribunal in an OA No.826/2005, which was earlier filed by the respondent no.1 himself. Having perused the record, we are of the *prima facie* view that this fact appears to have escaped the attention of the learned Tribunal.
5. It is, therefore, evident that this order was apparently not brought to the notice of the Tribunal. We are, therefore, of the view that appropriate remedy for the petitioner would be to approach the learned Tribunal by way of a review petition.
6. Learned counsel for the petitioner, therefore, seeks leave to withdraw the petition with liberty to approach the Tribunal by way of a review petition. It is further directed that in case, a review petition is filed within 4 weeks from today, the same will not be dismissed on the ground of delay and laches but will be considered by the learned Tribunal on merits.
7. The petition along with pending application is, accordingly, dismissed in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 14, 2024

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