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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6990/2024 & CM APPL. 29081/2024 –Stay.

DR GEETA SHARMA

..... Petitioner

Through: Mr.Upamanyu Sharma, Adv.

versus

RAIL INDIA TECHNICAL AND ECONOMIC SERVICES
LIMITED & ORS. Respondent

Through: Mr.Balendu Shekhar with
Mr.Rajkumar Maurya, Mr.Krishna Chaitanaya,
Ms.Tanisha Samanta, Advs for R-1.
Ms.Manisha Agrawal, CGSC with Mr.Sandeep S
Somaria, Ms.Khushi Mangla, Advs for R-2.
Ms.Jyotsna Bhuchav, Adv for UoI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

24.05.2024

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1. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 29.04.2024 passed by the learned Central Administrative Tribunal in O.A.1641/2023. Vide the impugned order, the learned Tribunal has rejected the O.A. filed by the petitioner by holding that it did not have the jurisdiction to entertain the same.
2. Learned counsel for the petitioner submits that once the respondent no.1 is a notified Corporation under the Administrative Tribunals Act and the petitioner is seeking appointment as a Director therein, her only remedy was to approach the learned Tribunal.



3. Issue notice. Learned counsel for the respondents accept notice and do not deny that the said respondent no.1/Organisation is a notified Organisation under the Administrative Tribunals Act.
4. In the light of this stand taken by the respondent no.1, we are of the view that the finding of the learned Tribunal that the O.A. against respondent no.1 was not maintainable is wholly unsustainable.
5. The learned Tribunal has failed to appreciate that once the petitioner was seeking appointment as a Director in the respondent no.1/Organisation, which Organisation is notified under the Administrative Tribunals Act, the only appropriate remedy for her was to approach the Tribunal. We, therefore, set aside the impugned order and remand the O.A. back for adjudication by the learned Tribunal on merits.
6. List the O.A. before the learned Tribunal on 05.07.2024 for further proceeding as per law.
7. It is, however, made clear that this Court has not expressed any opinion on the merits of the rival submissions of the parties and, therefore, the learned Tribunal will consider the O.A. and the petitioner's prayer for interim relief on its own merits.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 24, 2024
sr