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

+ W.P.(C) 12831/2024 & CM APPL. 53525/2024 –Int. dir.

KAPIL GURJAR

.....Petitioner

Through: Mr. Ravi Kumar, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Shekhar AKumar, SPC with Mr. Nitinjya Chaudhry, SPC and Mr. Rishav Dubey, G.P. for R-1 & 2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

12.09.2024

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1. The petitioner who was aspiring to join the Railway Protection Force, Ministry of Railways as a Sub-Inspector (Executive) has approached this Court by way of the present petition seeking the following reliefs:

“(i) Set aside and quash the impugned orders dated 08.07.2019 and 26.09.2019 (Page 29 & 30) of rejection of Petitioner’s candidature against the post of Sub-Inspector (Executive) in “RPF” as being unlawful, arbitrary and passed without any proof or scientific evidence but oral statement of Petitioner,

(ii) Direct Respondent No. 1 & 2 to issue the order of appointment to Petitioner for joining within the recruitment (S.I., Executive) batch of 2019, with all consequential benefits and back wages,



(iii) Pass any other necessary directions.”

2. From a perusal of the record, it emerges that the petitioner had earlier approached the learned Central Administrative Tribunal (Tribunal) by way of Original Application (O.A.) No. 42/2020 seeking the very same relief as sought in the present petition. In fact it emerges that the aforesaid O.A. was allowed by the learned Tribunal vide its order dated 11.11.2022, which order has been assailed by the respondents by way of W.P.(C) 1102/2023 which is still pending adjudication before a Co-ordinate Bench.
3. In these circumstances, we are of the considered view that once the petitioner had himself approached the learned Tribunal for the very same reliefs as are being sought before us, he was not entitled to approach this Court and that too when the reliefs sought by him already stand adjudicated by the learned Tribunal. The present petition is therefore not maintainable and is, accordingly, dismissed.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 12, 2024

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