

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-143/2016 in
OA-1454/2013
With
RA-144/2016 in
OA-1443/2013**

New Delhi, this the 26th day of October, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

RA-143/2016 in OA-1454/2013

1. Sh. Kanwar Singh
S/o Sh. Amit Chand,
Working as Gateman,
Sona Arjunpur,
Gate No. 120-B,
Distt. Saharanpur.

2. Sh. Jitender Kumar,
S/o Sh. Kanwar Singh,

Both r/o Vill. Kurali,
Post Rampur Maniharan
Distt. Saharanpur,
Uttar Pradesh.

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Applicants

(By Advocate : Sh. R.K. Shukla)

Versus

1. Union of India
Through the General Manager,
Northern Railway,
Baroda House, New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
Delhi Division,
State Entry Road,
Paharganj, New Delhi.

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Respondents

(By Advocate : Sh. Shailendra Tiwary)

RA-144/2016 in OA-1443/2013

1. Sh. Mange Ram,
s/o late Sh. Mam Raj,
working as Gangman,
Gate No. 18, under assistant,
Divisional Manager, Shamli (UP).

2. Sh. Sunil Kumar,

S/o Sh. Mange Ram,

Both R/o Quarter No. 7A,
Railway Colony,
Rampur Maniharan
Saharanpur, U.P.

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Applicants

(By Advocate : Sh. R.K. Shukla)

Versus

1. Union of India
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Northern Railway,
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ORDER (ORAL)

Hon'ble Mr. Justice Permod Kohli

RA-143/2016 in OA-1454/2013 With RA-144/2016 in OA-1443/2013

These review applications have been filed for setting aside the impugned order dated 16.01.2015 passed in batch of 61 original applications (including OA No. 1454/2013 and OA No. 1443/2013 review whereof is sought). The aforesaid judgment was assailed before the Hon'ble High Court in number of Writ Petitions. The Writ Petitions have been allowed by the Hon'ble High Court of Delhi vide judgment dated 11.12.2015 setting aside the judgment passed by the Tribunal with the following directions/observations:-

"20. Having regard to the submissions made and the settled position of the law, we find that the Tribunal has exceeded its jurisdiction and decided an issue which was neither urged before the Tribunal nor the parties were heard on this issue. We are rather surprised that once the observations of the Division Bench of Jaipur High Court was available with the Tribunal and reproduced by the Tribunal in para 13 of the impugned order, there was no reason as to why the Tribunal decided to ignore those directions, even otherwise, in the absence of the observations in our view the Tribunal could

not have decided an issue on which there were no pleadings and no opportunity of hearing granted. Resultantly, we allow these writ petitions and remand the matters back for fresh hearing. Impugned orders in all the writ petitions are set aside. All writ petitions and pending applications are disposed of.

21. These matters will be taken up before the Joint Registrar, Central Administrative Tribunal on 12th January, 2016 to fix a date before the appropriate Bench of Central Administrative Tribunal."

2. Insofar as the present review petitions are concerned, no Writ Petitions have been filed by the applicants. However, in view of the directions issued by the Hon'ble High Court of Delhi setting aside the judgment of this Tribunal, the applicants are entitled to similar treatment.

3. Hence, these RAs are allowed. The impugned orders in respect of OA No. 1454/2013 and OA No. 1443/2013 are set aside. Let the OAs be listed according to roster on 09.12.2016.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/