

Central Administrative Tribunal
Principal Bench: New Delhi

RA No.85/2014
OA No.3765/2009

New Delhi this the 4th February, 2016

Hon'ble Shri Sudhir Kumar, Member (A)
Hon'ble Shri Raj Vir Sharma, Member (J)

Union of India through

1. The General Manager,
South Western Railway,
Hubli Karnataka.
2. The Divisional Personnel Officer,
South Western Railway,
Hubli, Karnataka.
3. The Chairman,
Railway Recruitment Board,
18, Miller Road, Bangalore, Karnataka. ...Review Applicants.

(By Advocate: Shri V.S.R.Krishna)

Versus

Shri Sunil Kumar Meena
S/o Shri Prahlad Kumar Meena
R/o H-9, Saraswati Nagar, Jawahar Circle,
Jaipur, Rajasthan. ...Respondent.

(Present: None)

ORDER (ORAL)

Per Sudhir Kumar, Member (A):

Case called. There is no appearance on behalf of the review respondent/applicant in the OA. However, learned counsel for the review applicants has submitted that this R.A. is on all fours with the case in RA No.97/2014 in OA No.3760/2009, which had been allowed on 01.12.2015,

relying upon a common judgment of the Hon'ble Delhi High Court dated 21.10.2013, which has been produced at Annexure R-2. Therefore, in the conspectus of the legal position, and in view of the order dated 01.12.2015

(RA No.85/2014)

(2)

passed by the same Bench in RA No.97/2014 in OA No.3760/2009, we proceed to pass the same order. Para-4 of the above-order reads thus:-

"4. In view of the order passed by the Delhi High Court, and for parity of reasons given in the order passed by a Coordinate Bench in R.A. No.86/2014 decided on 14.10.2015, we proceed to decide the present R.A. case *ex parte*. Since the matter relates to the point of jurisdiction itself, and it has been held by a Coordinate Bench, as well as by the Delhi High Court, that this Bench has no territorial jurisdiction to entertain and decide the O.A. filed by the Review Respondent/Applicant of the O.A., the present R.A. is allowed, and the order dated 04.01.2011 passed in OA No.3760/2009 is reviewed, and same is set aside. Accordingly, as ordered in R.A. No.86/2014 also, the Paper Book of the OA is ordered to be returned to the Original Applicant for presenting before the Competent Authority, by keeping a copy of the Paper Book on record."

2. Accordingly, this R.A. is allowed, and the order dated 16.11.2010 passed in OA No.3765/2009 is reviewed, and same is set aside, and the Paper Book of the OA is ordered to be returned to the Original Applicant

for presenting before the Competent Authority, by keeping a copy of the
Paper Book on record.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

/kdr/