

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

OA No. 2810/2015

This the 24th day of August, 2016

Hon'ble Shri Sudhir Kumar, Member (A)

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

Har Bhajan Meena
Son of Har Sahay Meena,
Aged about 38 years,
Designation-Helper –II Class-IV (Railways)
R/o Village and Post –Alipur, Tehsil Bawa,
District, Dausa, Rajasthan-303315

... Applicant

(By Advocate: Mr. Bajrang Vats)

Versus

1. Delhi Police Through Commissioner of Police
PHQ, I.P. Estate, New Delhi 110002

2. DCP/Recruitment Cell, Kingsway Camp,
NPL, Delhi.

... Respondents

(By Advocate: Ms. P K Gupta)

Order (oral)

Per Sudhir Kumar, Member (A)

Learned counsel for the applicant has relied upon the order dated 06.11.2015 in O.A. 1961/2014 passed by the same Bench. It is seen that the instant case is also squarely covered by the findings arrived at in that O.A. In the light of this, the present OA is disposed of with the same observations as recorded in O.A. 1961/2014 in para -18, which reads as follows :-

"18. Therefore, it is held that the respondents were wrong in having followed the judgment of the Supreme Court in the case of Rajesh Kumar & Others etc. vs. State of Bihar & Others etc. (supra) which was delivered in personem, in regard to some of the parties concerned in that case, who did not make the grade even after re-evaluation, under its extra-ordinary powers to do ultimate justice, under Article 142, without laying down any ratio. The respondents are rather bound by the judgment of the Supreme Court date 12.08.2013 in Manoj Manu and Another vs. Union of India & Others (supra), and in case persons selected have not joined, and the vacancies, have not been consumed, they are bound to consider the case of the applicant, and perhaps that of Rinku Rana also, who is stated to be even higher in the merit list of the non-selected candidates, by applying the ratio of the Supreme Court judgment in Nilima Shangla vs. State of Haryana (supra) also, and in view of the judgment of the Delhi High Court in the case of Union of India & Others vs. Kuldeep Kumar (supra).

2. Therefore, the present OA is allowed in the above terms. There shall be no order as to costs.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

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