
(2011) 04 GUJ CK 0036

In the Gujarat High Court

Case No : Special Civil Application No. 15312 of 2004

Anilkumar C. Sharma

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 28-04-2011

Acts Referred:

Citation : (2011) 04 GUJ CK 0036

Hon'ble Judges : V.M. Sahai, J;G.B. Shah, J

Bench : Division Bench

Advocate : M.S. Rao, for the Appellant; Ravi Karnavat, for Respondents 1-2, Bipin I. Mehta and Megha Jani for Respondent 2, for the Respondent

Final Decision : Allowed

Judgement

V.M. Sahai, J.—We have heard Mr. M.S. Rao, learned Counsel appearing for the Petitioner and Mr. Ravi Karnavat, learned Counsel appearing for the Respondents.

2. The Original Application No. 699 of 1999 was decided on 23.01.2004, by the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad. Three applicants before the Tribunal were deleted, therefore their remained only 3 applicants i.e. Mr. R. B. verma, Mr. Anil Kumar Sharma and Mr. P.K. Naik. The Tribunal has dismissed the application on the ground that the applicant Nos. 1 and 2 have not participated in the said selection. The applicant Nos. 1 and 2 have already been deleted from the array of party. Further by the result of deletion the Petitioner, who was at serial No. 3 came at serial No. 1 was not at all considered by the Tribunal.

3. The result of the Petitioner was kept in sealed cover which according to the Petitioner was opened before the Tribunal and he was found successful. But in the impugned judgment the Tribunal has not at all considered the case of Mr. Anil Kumar Sharma, the Petitioner before us.

4. Therefore, the interest of justice demands that the matter be remanded back to the Tribunal for considering the case of the Petitioner as other applicants have

either withdrawn or have been deleted from the array of party.

5. In the result, this petition is allowed. The order of the Tribunal dated 23.01.2004 is set aside. The Tribunal is directed to decide claim of the Petitioner afresh within a period of 3 months from the date of receipt of the copy of this order by the Tribunal.