

SUPREME COURT OF INDIA

Govt. (Nct Of Delhi)

Vs.

Nitika Garg

(G.B. Pattanaik and U.C. Banerjee JJ.)

28.07.2000

ORDER

1. Leave granted.

2. The respondent filed an original application before the Central Administrative Tribunal contending therein that she was eligible for being considered for the post of T.G.T., and yet her case has not been considered. The Tribunal by judgment, dated 3rd July, 1997 dismissed the application on a finding that the application is premature, but while dismissing the application, made certain observations with regard to the eligibility of those who are not registered in the Employment Exchange, which made it necessary for the Government to file a writ petition in the High Court. It was contended before the High Court that once the Tribunal rejects the application filed by an applicant, it would not be open for the Tribunal to make observations or issue any direction therein. The High Court, however, was not persuaded to accept the writ petition filed and hence the present appeal in this Court.

3. Learned Additional Solicitor General appearing for the appellants, contends that it is too well-settled a position of law that if a Court or Tribunal rejects an application, it would not be proper for the said Court or Tribunal to make any observation therein, for creating rights pursuant to such observations. We find sufficient force in the aforesaid contention. We have, therefore, no hesitation to hold that the observations made by the Tribunal in this order, dated 3rd July, 1997, while dismissing the original application filed by the respondent, are of no consequence and would not confer any right. But notwithstanding the same, the relief, which the Tribunal purports to give to the respondent by such observations, may not be taken away. In other words, the respondent's case may be considered, though the observations made by the Tribunal will not have any binding effect on any other party. We are passing this order in the peculiar facts and circumstances of the case.

4. The appeal is disposed of.