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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1499/2014

ANGAD KUMAR

..... Petitioner

Represented by: Mr.N.L.Bareja, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Represented by: Mr.Anurag Ahluwalia,
Advocate with Mr.Prashant
Ghai, Advocate

+ W.P.(C) 2487/2014

SATBIR SINGH

..... Petitioner

Represented by: Mr.N.L.Bareja, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Represented by: Mr.Vikas Mahajan, Advocate
with Mr.Vinod Kumar Tiwari,,
Advocates with Mr.S.S.Sejwal,
Law Officer, CRPF

+ W.P.(C) 6068/2014

BIVASH MOYRA

..... Petitioner

Represented by: Mr.N.L.Bareja, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Represented by: Mr.Vivek Goyal, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

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ORDER

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16.04.2015

1. As we proceeded to hear the writ petitions it transpired that the real grievance of the writ petitioners has, though pleaded in the writ petition but in a very round-about manner, got lost in the prolix pleadings; which have misled the respondents to think that the grievance concerns filling up of post of Head Constable (Min.) in the context of the department filling up the posts in terms of a notification dated January 27, 2011 and the case of the petitioners being that the vacancies had to be filled up in terms of the notification dated October 19, 2012 given effect to on March 19, 2013.
2. Learned counsel for the petitioners states that the real grievance is two folds. Firstly, reserving posts in the departmental promotion quota for OBC candidates and the second to the fact that of the 260 posts for the departmental candidates only 89 were allocated as unreserved. 114 posts were reserved for OBC candidates. 26 and 34 for SC and ST candidates respectively thereby breaching the 50% limit of reservation.
3. Before the writ petitions were filed, letters offering appointment had already been issued and the persons likely to be affected by a decision in the writ petitions have not been impleaded as respondents.
4. Two options are available. To either permit the petitioners to amend the writ petitions by deleting the surplus pleadings and expanding upon the laconic pleadings concerning the two points sought to be advanced at the hearing today and simultaneously to implead as respondents the persons likely to be affected. The second is to permit the petitioners to withdraw the writ petitions with right reserved to file fresh petition(s) on the twin issues qua which the petitioners have a grievance. Counsel for the petitioners prays for the latter option to be exercised.

5. We dismiss the writ petitions as withdrawn granting liberty to the petitioners to file fresh petition(s) on the twin issue which the petitioners intend to litigate on. The petitioners, if they file fresh petitions, would implead the persons appointed in the departmental quota as head constables in the OBC category because their interest would be adversely affected if relief is granted to the petitioners.

6. No costs.

7. Dasti


PRADEEP NANDRAJOG, J


PRATIBHA RANI, J

APRIL 16, 2015
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