

\$~11 to 22 (connected matters)

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

+ W.P.(C) 7619/2011 & CM No.17241/2011  
 UNION PUBLIC SERVICE COMMISSION ..... Petitioner  
 Through Mr. Naresh Kaushik & Ms. Aditi  
 Gupta, Advs.  
 versus  
 GARIMA SINGH & ORS ..... Respondents  
 Through Ms. Divya Jain, Adv. for Mr. Anil  
 Grover, Adv. for R-1.

+ W.P.(C) 2176/2012 & CM Nos.4698-99/2012, 5642-45/2012,  
 1448/2013, 3308/2014  
 UNION OF INDIA ..... Petitioner  
 Through Mr. Sanjay Jain, ASG with  
 Mr. Sanjeev Narula, CGSC with  
 Mr. Ajay Kalra, Adv. for UOI.  
 versus  
 GARIMA SINGH & ORS ..... Respondents  
 Through Ms. Divya Jain, Adv. for R-1.  
 Mr. Naresh Kaushik & Ms. Aditi  
 Gupta, Advs. for UPSC.

+ W.P.(C) 2523/2012 & CM Nos.5401-02/2012  
 UNION OF INDIA ..... Petitioner  
 Through Mr. Sanjay Jain, ASG with  
 Mr. Sanjeev Narula, CGSC with  
 Mr. Ajay Kalra, Adv. for UOI.  
 versus  
 ANANT KISHORE SARAN ..... Respondent  
 Through Ms. Divya Jain, Adv. for R-1.  
 Mr. Naresh Kaushik & Ms. Aditi  
 Gupta, Advs. for UPSC.

+ W.P.(C) 2524/2012 & CM Nos.5403-04/2012  
 UNION OF INDIA ..... Petitioner  
 Through Mr. Sanjay Jain, ASG with

- Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.
- versus  
SHERSHA AND ANR ..... Respondents  
Through Ms. Divya Jain, Adv. for R-1.  
Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Adv. for UPSC.
- + W.P.(C) 2525/2012 & CM Nos.5405-06/2012 & 2167/2014  
UNION OF INDIA ..... Petitioner  
Through Mr. Sanjay Jain, ASG with  
Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.
- versus  
SYED EKRAM RIZWI AND ANR ..... Respondents  
Through Ms. Divya Jain, Adv. for R-1.  
Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Adv. for UPSC.
- + W.P.(C) 2526/2012 & CM Nos.5407-08/2012  
UNION OF INDIA ..... Petitioner  
Through Mr. Sanjay Jain, ASG with  
Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.
- versus  
SAN DEEP KUMAR GUPTA ..... Respondent  
Through Ms. Divya Jain, Adv. for R-1.  
Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Adv. for UPSC.
- + W.P.(C) 2527/2012 & CM Nos.5409-10/2012  
UNION OF INDIA ..... Petitioner  
Through Mr. Sanjay Jain, ASG with  
Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.
- versus  
SOUMYA CHATTOPADHYAY AND ANR. .... Respondents  
Through Ms. Divya Jain, Adv. for R-1.

Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Advs. for UPSC.

+ W.P.(C) 5857/2012  
UNION OF INDIA

..... Petitioner

Through

Mr. Sanjay Jain, ASG with  
Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.

versus

SANJAY KUMAR

..... Respondent

Through

Ms. Divya Jain, Adv. for R-1.  
Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Advs. for UPSC.  
GP Capt. Karan Singh Bhati,  
Mr. Amit Verma & Mr. T. Gopal,  
Advs.

+ W.P.(C) 5858/2012  
UNION OF INDIA

..... Petitioner

Through

Mr. Sanjay Jain, ASG with  
Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.

versus

ARVIND KUMAR AND ANR

..... Respondents

Through

Ms. Divya Jain, Adv. for R-1.  
Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Advs. for UPSC.  
GP Capt. Karan Singh Bhati,  
Mr. Amit Verma & Mr. T. Gopal,  
Advs.

+ W.P.(C) 5859/2012  
UNION OF INDIA

..... Petitioner

Through

Mr. Sanjay Jain, ASG with  
Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.

versus

ATYA NAND

..... Respondent

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Through Ms. Divya Jain, Adv. for R-1.  
Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Advs. for UPSC.

+ W.P.(C) 6597/2012 & CM Nos.17425/2012, 19445/2012, 9528/2015  
ARVIND KUMAR ..... Petitioner

Through GP Capt. Karan Singh Bhati,  
Mr. Amit Verma & Mr. T. Gopal,  
Advs.

versus

UOI AND ANR

..... Respondents

Through Mr. Sanjay Jain, ASG with  
Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.  
Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Advs. for UPSC.

+ W.P.(C) 3003/2013 & CM No.5659/2013

ATYA NAND AND ANR

..... Petitioners

Through GP Capt. Karan Singh Bhati,  
Mr. Amit Verma & Mr. T. Gopal,  
Advs.

versus

UNION OF INDIA AND ANR

..... Respondents

Through Mr. Sanjay Jain, ASG with  
Mr. Sanjeev Narula, CGSC with  
Mr. Ajay Kalra, Adv. for UOI.  
Mr. Naresh Kaushik & Ms. Aditi  
Gupta, Advs. for UPSC.

**CORAM:**

**HON'BLE MR. JUSTICE KAILASH GAMBHIR**

**HON'BLE MR. JUSTICE I.S.MEHTA**

**ORDER**

**29.05.2015**

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The common order dated 9<sup>th</sup> May, 2011 passed by learned Tribunal is

under challenge by the Union of India, UPSC and by the direct recruits Section Officers. Mr. Sanjay Jain, Additional Solicitor General of Union of India appearing for the Government states that he has taken up the matter with the Government to withdraw the petitions filed by the Union of India and the advise given by him has now been accepted by the Government. Counsel also submits that so far the petitions filed by the direct recruits is concerned, the same shall be contested by the Union of India and for which the counsel prays for giving time to file their counter-affidavit. Counsel also submits that insofar as the legal issues raised by the petitioner in these petitions are concerned, the same be left open to be decided in some appropriate case. Mr. Sanjay Jain has placed on record the communication dated 27<sup>th</sup> May, 2015 received by the Standing Counsel in this regard. The same be taken on record.

In the light of the said submission of the learned Additional Solicitor General, all the petitions preferred by the Union of India, being W.P.(C)2176/2012, W.P.(C)2523/2012, W.P.(C)2524/2012, W.P.(C)2525/2012, W.P.(C)2526/2012, W.P.(C)2527/2012, W.P.(C)5857/2012, W.P.(C) 5858/2012 and W.P.(C) 5859/2012 are dismissed as withdrawn.

Separate affidavit has been filed by the UPSC seeking withdrawal of W.P.(C) 7619/2011 and, therefore, the same is accordingly dismissed as withdrawn. All the legal issues as raised by the Union of India and the UPSC in these petitions shall remain open to be decided in an appropriate case.

With regard to the other two petitions filed by the direct recruits, being W.P.(C) 6597/2012 and W.P.(C) 3003/2013, we grant time to Union of India to file their affidavit within a period of six weeks. Rejoinder, if any,

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be filed by the petitioner within a period of four weeks.

List W.P.(C) 6597/2012 and W.P.(C) 3003/2013 on 8<sup>th</sup> October, 2015.

If any promotions in the meanwhile are made against the regular post of Under Secretary, the same shall be subject to the final outcome of these petitions preferred by the direct recruits.



**KAILASH GAMBHIR, J**



**I.S. MEHTA, J**

**MAY 29, 2015**

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