

\$~14 & 25

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

Date of Judgment : 08.09.2015

+ **W.P.(C) 3941/2015 & C. M. APPL Nos. 7042/2015 & 17442/2015**

UNION PUBLIC SERVICE COMMISSION Petitioner
Through : Mr. Ravinder Aggarwal, Advocate.

Versus

RAJVEER SINGH VERMA & ANR Respondents
Through : Mr. A. S. Chandhiok, Senior
Advocate with Mr. Saqib, Advocate
for respondent no. 1.
Mr. Sanjay Jain, ASG, Mr. Kirtiman
Singh, CGSC with Ms. Natasha
Thakur and Ms. Rajul Jain, Advocates
for UOI.
Ms. Barkha Babbar, Advocate for
Intervener.

+ **W.P.(C) 3947/2015 & C. M. APPL. Nos. 7050/2015 & 17922/2015**

UNION PUBLIC SERVICE COMMISSION Petitioner
Through : Mr. Girish Pande, Advocate.

Versus

R. RJ R KASIBHATLA & ANR Respondent
Through : Mr. A. S. Chandhiok, Senior
Advocate with Mr. Saqib, Advocate
for respondent no. 1.
Mr. Sanjay Jain, ASG, Mr. Kirtiman
Singh, CGSC with Ms. Natasha
Thakur and Ms. Rajul Jain, Advocates
for UOI.
Ms. Barkha Babbar, Advocate for
Intervener.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

W.P.(C) 3941/2015 & C. M. APPL. 7042/2015 (Stay)

W.P.(C) 3947/2015 & C. M. APPL. 7050/2015 (Stay)

1. Challenge in these writ petitions is to a common order passed by the Central Administrative Tribunal dated 25.02.2015. The tribunal was persuaded to decide two OAs which were filed bearing nos. 693/2014 & 224/2014. In view of the stand taken by the learned counsel appearing for the parties, Paras 5 and 6 of the order passed by the CAT reads as under :

“5. OA Nos. 693/2014 and 224/2014 were heard today. Mr. Ajesh Luthra, learned counsel argued for the applicants while Mr. J. B. Mudgil argued on behalf of respondent – UPSC in both the OAs, while Mr. Rajesh Katyal, learned counsel for respondent No. 2 argued in OA No. 693/2014. During the arguments, it appeared that a short listing criteria was adopted by the UPSC in consonance with the provisions contained in the Notification that was issued for examination. According to the short listing criteria none of those who had been short listed, succeeded in the interview. On the other hand, the applicants in these two OAs, who had not been short listed, were selected in the interview. Mr. J. B. Mudgil, counsel for the respondent No. 1 admitted that the present applicants in these two OAs fulfil all other requirements of the post, including educational qualification as per the Recruitment Rules.

6. *Learned counsel for respondent No. 2 Mr. Katyal stated that he would have no other arguments to make except to the extent that the applicants in the OAs are fit for consideration in terms of the recruitment rules for the post.”*

2. Today in the writ petitions a diametrically opposite stand is sought to be taken by learned counsel for the petitioner based on the counter affidavit filed before the tribunal. Although we have heard the matter at some length, the present writ petitions are disposed of with the following agreed order :

- (i) The writ petitions are dismissed as not pressed at this stage leaving all legal grounds open to the parties.
- (ii) The petitioner may file an application seeking the review of the order dated 25.02.2015. In case the review petition is filed within two weeks, the respondents would not raise the plea of limitation.
- (iii) The order passed by the tribunal would remain suspended till the application for review is heard.
- (iv) Both the writ petitions are disposed of. The tribunal would endeavour to dispose of the review application within a period of one month.

C. M. APPL. 17442/2015 (Intervention) in W.P.(C) 3941/2015
C. M. APPL. 17922/2015 (Intervention) in W.P.(C) 3947/2015

3. Applications are dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 08, 2015/sc