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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 670/2016**  
**UNION OF INDIA**

..... Petitioner

Through Mr. Sameer Agrawal, Adv.

versus

**UDAY RAM & ORS.**

..... Respondent

Through Mr. S.S. Mishra, Adv.  
Mr. Naresh Kaushik, Adv. for UPSC  
R-3.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJIV KHANNA**  
**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**  
**04.04.2016**

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1. The matter was called out in the morning and an appearance was made on behalf of private respondents. After some hearing, the writ petition was passed over to enable the counsel for private respondents to obtain instructions.
2. Learned counsel for the private respondents on instructions has stated that he would not press the contempt petition which is pending before the Tribunal and would file a substantive petition raising the grievance.
3. In view of the statement made, learned counsel for the petitioner states that he would withdraw the present writ petition as it has become infructuous.
4. We may note that the writ petition impugns order dated 08.07.2015

passed in O.A. No. 1176 of 2013. The operative portion of which reads:

*“10. We, therefore, dispose of this OA with a direction to the respondents – Ministry of Information and Broadcasting to reconsider the matter in the light of the aforesaid provisions of the Recruitment Rules and in first of all earmark the vacancies of Programme Officer (Cameraman) from among the Cameraman Grade-I with two years regular service for their inclusion in feeder category for post of Junior Time Scale Programme Officer under the IB(P)S. If the applicants are found eligible, they shall be given the consequential benefits. The aforesaid directions shall be complied with, within a period of two months from the date of receipt of a certified copy of this Order. There shall be no order as to costs.”*

5. The Tribunal had not decided any substantive issue or controversy and had asked the petitioner, i.e. Ministry of Information and Broadcasting to reconsider the matter in the light of the Recruitment Rules and to en-cadre the private respondent as a junior time scale programme officer if the stand was found to be correct. Further, in case the private respondents were found eligible, they shall be given seniority benefits. Period of two months was given for compliance.

6. It is an admitted case that the petitioner has passed an order dated 30<sup>th</sup> May, 2015 rejecting the representation and claim of the private respondents.

7. Leaned counsel for the private respondents has stated that they would challenge this order dated 30<sup>th</sup> May, 2015 before the Tribunal in accordance with law. It will be open to the private respondents to ask for an early hearing and disposal before the Tribunal as it is pointed out that the dispute has remained pending in various forums since 1999 and the cadre to which private respondents belong, is a dying cadre. The prayer for early hearing

will be given due consideration by the Tribunal.

8. We clarify that the statements made by the counsel will not be treated as admission of facts against them or in their favour.

9. With the aforesaid observations, taking the statement made by learned counsel for the parties on record, we dispose of the present writ petition. We have not expressed any opinion.

**SANJIV KHANNA, J**

**NAJMI WAZIRI, J**

**APRIL 04, 2016/acm**