

\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5102/2016**
MOHAMMAD AKHTAR & ORS

..... Petitioner

Through: Mr. Sandeep Jha, Adv.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. Arun Bhirdwaj, CGSC, Adv. with
Mr. Ravindra Gill, Adv.
Mr. Naresh Kaushik and Ms. Joymoti
Mize, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

30.05.2016

Learned counsel for the petitioner submits that they had filed O.A. No. 1937 of 2013 challenging the seniority list dated 13.12.2010 and therefore, the said application should not have been dismissed as infructuous in view of the subsequent revised seniority list circulated vide letter dated 16.07.2015.

2. We have examined the contention, but are unable to agree with the learned counsel for the petitioner. It appears that after the seniority list dated 17.01.2012 was circulated, the respondents themselves had some doubts and therefore had issued letter dated 16.07.2015. Paragraph nos. 3 and 5 of the said letter read as under:

“3. It is requested that the seniority list may

please be shown to all concerned officers working under you and obtain their signature as a token of having seen the list by them. In case, there is any discrepancy/omission, the same may please be brought to our notice within a period of four weeks from the date of issue of this memorandum. The list will be treated as final after a period of four weeks, if no objection is received or after disposal of all objections, if received.

xxxx

xxxx

5. The particulars mentioned in various columns of the seniority list are subject to verification from the service book. In case there is any variation, the information as recorded in the service book will be taken as authentic.”

3. The effect of that letter was that the seniority list circulated earlier on 17.01.2010 was recalled/ withdrawn and so the challenge made by the petitioner to the said list would be rendered infructuous. It is in the light of the letter dated 16.07.2015 that the Tribunal has passed the impugned order holding as under:

*“2. Learned counsel for respondents submitted that he would have no difficulty in examining the grievance in the present OA, keeping in view the law declared by the Hon’ble High Court in **Union of India & Ors. etc. etc. vs. N.R. Parmar & Ors. etc. etc.** (Civil Appeal No.7514-7515 and 7516 of 2005), relevant rules and instructions on the subject as issued by the DOP&T from time to time as well as also the other judicial precedence on the subject relating to the issue.”*

4. In view of the aforesaid position, the petitioner would have to wait for final outcome in terms of letter dated 16.07.2015.

5. Learned counsel for the petitioners states that representations/ objections of the petitioners have been decided on or about 23.05.2016. It is open to the petitioner to question and challenge the said order and the new seniority list.
6. The Writ Petition is disposed of.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MAY 30, 2016/acm