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

% **Judgment Dated: 20th July, 2016**

+ **W.P.(C) 6227/2016**

AMAN KAUSHIK

..... Petitioner

Through : Mr. Dhruv Sharma, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr. Anil Panwar, CGSC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S. MEHTA

G.S.SISTANI, J (ORAL)

CM.APPL 25451/2016(Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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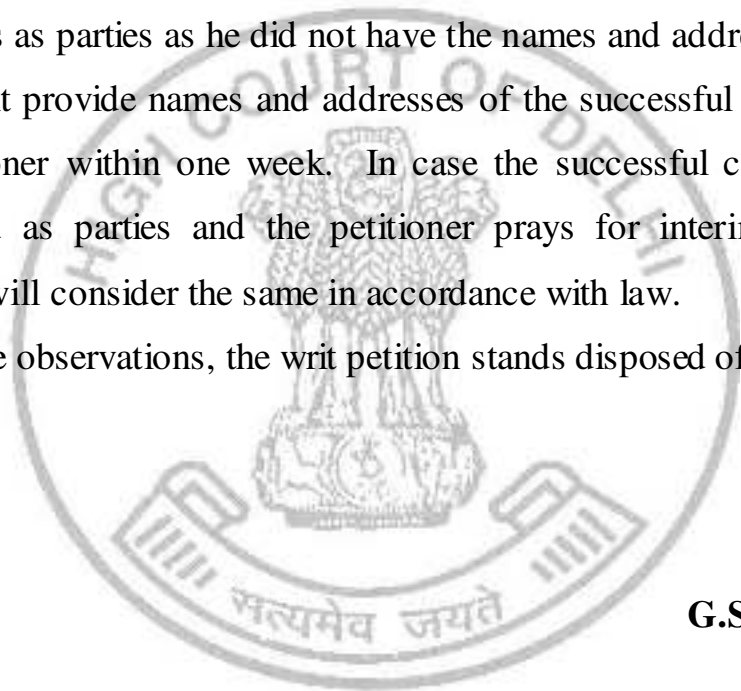
3. Challenge in this writ petition is to the order dated 19.04.2016 passed by the Central Administrative Tribunal (hereinafter referred to in short as '*the Tribunal*') by which the prayer made for interim relief by the petitioner stands declined.
4. The necessary facts as per the petition are that the petitioner had applied for the post of an Examiner with the respondent no.3 after it advertised certain vacancies and invited applications for the filling up of the same. The said examination was conducted by the respondent no.2 which subsequently published the list of selected candidates as well as the marks obtained by all the candidates including the petitioner herein. At

the time of the advertisement of the vacancies, it had been clearly spelt out that the vacancies under the Physically Handicapped category or the PWD category were to be filled as per the guidelines/rules framed by the respondent no.1 herein. The petitioner was, however, shocked to learn at a later stage that the petitioner despite having scored an excess of 62 marks over the last selected candidate under the PWD category has not been included in the list of the finally selected candidates. The petitioner was again shocked by the revelation that the respondent no.2 while admitting to the fact of the respondent no.1's rules providing for an equal representation of all the categories within the PWD category, the respondent no.2 and respondent no.3 conveniently ignored the guidelines of the respondent no.1 and selected only three candidates from the (OH) category and six candidates each from the (VH) and (HH) category whereas they were to select five candidates each from the above mentioned three categories. Feeling aggrieved by the act of the respondents, the petitioner preferred an OA before the Tribunal challenging the merit list dated 21.01.2016 published by respondent no.2 incorporating the arbitrary, illegal and patently unlawful decision of the respondent no.3 in contravention of the guidelines laid down by respondent no.1.

5. Learned counsel for the petitioner submits that the Tribunal has failed to take into consideration that in case the interim protection is not granted, the petitioner would suffer irreparable loss. He further submits that the petitioner has a strong prima facie case on merits.
6. We have heard the learned counsel for the petitioner. It may be noticed that the prayer of the petitioner for interim relief was declined on 19.04.2016. However, the present writ petition has been filed on 14.07.2016. The Tribunal had declined the prayer for interim relief

firstly on the ground that counsel for the respondent had informed the Tribunal that all the persons stand selected and appointment letters have been issued and they are undergoing training from 11.04.2016 onwards. The second ground on which the prayer was declined is that the successful persons have not been made parties.

7. Though, we find no ground to interfere with the order of the Tribunal as an interim order at this stage would affect the rights of the successful candidates who have not been impleaded as parties. However, counsel for the petitioner submits that he could not implead the successful candidates as parties as he did not have the names and addresses. Let the respondent provide names and addresses of the successful candidates to the petitioner within one week. In case the successful candidates are impleaded as parties and the petitioner prays for interim relief, the Tribunal will consider the same in accordance with law.
8. With these observations, the writ petition stands disposed of.



G.S.SISTANI, J

I.S. MEHTA, J

JULY 20, 2016

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