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

+ **W.P.(C) 5058/2015 & CM Nos.9148/2015, 9152/2015**

UNION OF INDIA AND ANR. Petitioners

Through: Mr. Ruchir Mishra, Advocate

versus

SHASHI JAIN AND ORS. Respondents

**Through: Mr. A.K. Bakht, Advocate with
respondent No.1 in person**

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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22.04.2016

Learned counsel for the petitioners has filed before us a copy of the Office Order dated 5.4.2016, whereby respondent No.1, Ms. Shashi Jain, has been promoted to the post of Senior System Security Officer Grade-I in the Joint Cipher Bureau, DRDO, Ministry of Defence. The first respondent, who is present in person, states that she has received this order and has taken over the charge.

As noticed in the last order, the question of seniority between respondent No.1, Ms. Shashi Jain and respondent No.3, Mr. Sandeep Kumar Singh, has been rendered infructuous, as Mr. Sandeep Kumar Singh has already changed his cadre and is presently working at the post of Senior Scientist (C).

Learned counsel for the petitioners has drawn our attention to paras 8 and 9 of the impugned order dated 23.5.2014. With reference to para 8

thereof, it is pointed out that the Tribunal has distinguished certain decisions relied upon by them on the ground that respondent No.1 was not staking any claim for retrospective promotion by creation of a supernumerary post and grant of promotion and pensionary benefits. The first respondent had limited her claim to grant of notional seniority corresponding to her position in the seniority list of Senior SSO-II. In terms of the said position, in para 9 of the impugned order, i.e., the last para of the impugned order, the Tribunal has directed that respondent No.1 will be granted notional seniority with reference to the vacancy in 2006-2007 and will be placed in the seniority list of Senior SSO-II viz. respondent No.3.

In view of the aforesaid position, nothing further survives in the present writ petition and the same is disposed of. CM Nos.9148/2015, 9152/2015 are also disposed of.

SANJIV KHANNA, J

NAJMI WAZIRI, J

APRIL 22, 2016

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