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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11122/2015 & CMs 26897 - 26898/2016**
UNION OF INDIA AND ORS.

..... Petitioner

Through Mr J.K. Singh, Standing Counsel with
Mr Praveen Kumar, Adv. for UOI

versus

MAHINDER SINGH ADHIKARI AND ORS.

..... Respondent

Through Mr Meenu Mainee, Adv. for R1 to 4
Mr M.K. Bhardwaj and Ms
Shriambhra Kashyap, Advs. for
applicant in CM Nos. 26897-
26898/2016

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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27.09.2016

1. The Union of India by way of this writ petition impugns the order dated 22.04.2014 passed in OA No.2058/2012 and the order dated 19.03.2015 rejecting the review application.
2. The order dated 22.04.2014 directs the petitioners to fill up vacancies in the promotional post of Loco Pilots Goods strictly in accordance with the seniority, subject to rejection of unfits, without allowing reservation. The order also quashed the Panel dated 28.12.2010 and the order dated 25.04.2012 rejecting the challenge to the aforesaid Panel. Another order dated 30.12.2011 has also been quashed.
3. The impugned order had disposed of three other OAs, namely, OA No.755/2012 relating to vacancies in the promotional post of Passenger Guards, OA No.3603/2012 relating to vacancies in the promotional post of

Mail Train Loco Pilots and OA No.2483/2013 relating to vacancies in the promotional post of Loco Pilot (Passengers).

4. The reason why the OAs were allowed and the aforesaid directions were issued, was the absence of any data to form an opinion and ascertain whether Scheduled Castes and Scheduled Tribes were adequately represented in the promotional posts specified above.

5. Learned counsel for the respondents have produced before us a copy of the order passed by the Delhi High Court dated 10.02.2015 in W.P.(C) No.1303/2015 titled *Union of India & Anr.v Pal Singh & Ors*, which arose from the order and directions in OA No.2483/2013. The writ petition was dismissed following the judgment of the Supreme Court in ***M. Nagaraj & Ors. v. Union of India & Ors***, JT 2006 (9) SC 191. As noted above, OA No.2483/2013 was disposed of by the Tribunal by the common order which is impugned and under challenge in this writ petition.

6. It is pointed out by learned counsel for the respondents that the writ petitions challenging the orders passed in OA No.755/212 and OA No.3603/2012 have been dismissed.

7. Learned counsel for the petitioners does not dispute the said assertions but has placed reliance on the judgment of the Supreme Court dated 08.01.2016 passed in ***Chairman & Managing Director Central Bank of India & Ors. v. Central Bank of India SC/ST Employees' Welfare Association & Ors***, (2015) 12 SCC 308. Reliance placed by learned counsel for the petitioners is inappropriate, in view of the review order dated 08.01.2016 whereby paragraphs 33 to 36 and the directions given therein, as well as paragraph 37 of the main judgment have been deleted and instead following directions have been given:-

“33. Result of the aforesaid discussion would be to allow these appeals and set aside the judgment of the High Court. While doing so, we reiterate that it is for the State to take stock of the ground realities and take a decision as to whether it is necessary to make a provision for reservation in promotions from Scale I to Scale II and upward, and if so, up to which post. The contempt petition also stands disposed of.

8. In view of the foregoing, the present writ petition has to be dismissed following and in terms of the orders passed by the Coordinate Bench of this Court in the order dated 10.02.2015 in W.P.(C) No.1303/2015 titled *Union of India & Anr.v Pal Singh & Ors.*

The writ petition is dismissed.

Pending CMs are also disposed of.

No orders as to costs.

SANJIV KHANNA, J

SUNITA GUPTA, J

SEPTEMBER 27, 2016/rd