

\$~4

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

+ W.P.(C) 861/2016

NARESH KUMAR Petitioner
Through: Mr. Abinash K. Mishra, Advocate
versus

UNION OF INDIA & ORS. Respondents
Through: Ms. Monika Arora, Central
Government Standing Counsel
for respondents No. 1, 2, 3 & 5

CORAM:

**HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR**

ORDER
% **11.02.2016**

1. The present petition has been filed by the petitioner, who is working as a Senior Supervisor (Store) with the respondent No.2- Border Roads Development Board (in short, 'BRO') is seeking directions to the respondents for filling up four reserved posts of Administrative Officers against the OBC category from amongst the eligible candidates named in the Reserved Panel, which had been revised vide letter dated 10th March, 2014 issued by the UPSC.

2. Learned counsel for the petitioner states that the respondent No.4 had invited applications in the year 2009 for filling up 31 permanent Group-A Gazetted posts of Administrative Officers.

Reservations made for various categories was detailed in the said advertisement and a total of 08 posts were reserved for the OBC category. The petitioner, who belongs to the OBC category, had applied for recruitment in the BRO. In the year 2010, the respondent No.4-UPSC had declared the names of 29 recommended candidates and had prepared a reserved list of 42 candidates wherein petitioner's name was placed at Sl. No.31 (*Annexure P-7*).

3. Before the appointments could be made on the basis of the recommended list finalized by the respondent No.4-UPSC, several complaints were lodged by unsuccessful candidates alleging that some of the selected candidates did not possess the requisite administrative experience prescribed for the post. As a result, a Screening Committee was constituted on 15th July, 2010 and another Screening Committee was constituted on 27th December, 2010, who gave its final report dated 9th March, 2011 recommending *inter alia* that the entire selection list be scrapped.

4. Vide letters dated 18th May, 2011 and 13th May, 2011, respondent No.4-UPSC had scrapped the entire list. However, the said action of scrapping was challenged by the affected parties in several writ petitions, which were decided by a Division Bench of this Court by a common judgment dated 10th July, 2013 that was

affirmed by the Supreme Court vide order dated 6th January, 2014. Resultantly, the appointment list was revived by the respondent No.4- UPSC. After the revival of the said list, the panels dated 9th June, 2010 and 17th June, 2010 were revived and appointment letters were issued to 30 candidates, out of whom, it is submitted that 24 selected candidates had joined the service and 06 vacancies are still available.

5. The grievance of the petitioner is that the respondents have not taken any steps to fill up the remaining 06 vacancies, out of which 04 vacancies belong to the OBC category. The petitioner had issued a notice dated 2nd July, 2010 to the respondents seeking redressal of his grievance followed by several other representations, lastly on 14th August, 2015. The last legal notice was only replied to by the respondent No.4-UPSC stating *inter alia* that the final outcome of the exercise is still in process and BRO has yet to come to any conclusion (*Pages- 280 to 286*).

6. On the last date of hearing, learned counsel for the respondents No.1,2,3 & 5 had sought an adjournment to obtain instructions from the department. Today, she states that steps are still being taken to fill up the vacancies to the post of Administrative Officers.

7. Having regard to the fact that till date the respondents No.1,2,3 & 5 have not responded to the legal notice dated 14th August, 2015 issued by the petitioner, it is deemed appropriate to dispose of this petition with directions issued to the respondents No.1,2,3 & 5 to reply to the said notice within a period of four weeks and thereafter, take further steps to fill up the remaining 06 vacancies (02 Gen & 04 OBC) for the post of Administrative Officers as expeditiously as is possible and preferably within a period of 03 months from today.

8. The petition is disposed of with the aforesaid directions.

9. A copy of this order be given *dasti* to the counsel for the respondents.

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 11, 2016

r