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

+ **W.P.(C) 7346/2012**

GOVT. OF NCT OF DELHI AND ORS

..... Petitioners

Through: Mr.Naushad Ahmed Khan, ASC
(Civil) for GNCTD with Mr.Manzar
Anis, Advocate

versus

RAJ KUMAR BHARDWAJ AND ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **03.05.2017**

1. The petitioners have preferred the present writ petition to assail the order dated 01.09.2011 passed in O.A.1487/2007 by the Central Administrative Tribunal (Principal Bench), New Delhi (the Tribunal). The Tribunal had directed the petitioner department to re-fix the position of the respondents/applicants in the cadre of Junior Physical Education Teachers (PETs) on the basis of the seniority list dated 24.12.1986, which was based on their positions in the merit panel of the selection of 1981-82. The Tribunal had consequently quashed the earlier seniority list dated 18.11.2003 and the Corrigendum dated 30.11.2006. The petitioners were directed to hold review DPC in respect of the applicants whose promotion to the next higher rank from the dates their junior got promoted keeping in view their

seniority in 1986 list. The background facts that have been set out in the impugned order of the Tribunal, we consider it appropriate to reproduce it so as to appreciate the context in which the impugned order has to be passed, which is as under:

“2.1 Respondents authorities were considering recruitment to the posts of Junior PETs in the year 1981 and were conducting interviews of candidates sponsored by Employment Exchange. While the interviews were on, there was demand from outstanding Sportsmen/Women that their cases should also be considered in accordance with the instructions of Government of India communicated in O.M.No.14/1/72-Estt.(D) dated 28.12.1972 although they were not sponsored by Employment Exchange. Their demand was accepted and the respondent authority invited applications through advertisement in the press. After receiving such applications the interrupted interview was taken up again in the months of January and February, 1982 and concluded on 15.02.1982. Prior to publication of the final panel of selected candidates, a list without assigning any inter se – seniority was drawn up and displayed on the notice board. With the prior approval of the Administrator Delhi, 20 male and 10 female candidates out of this interim list were sponsored in the month of October, 1981 to the Districts and appointed. Nevertheless, on completion of the series of interviews a full fledged panel of 88 male and 45 female candidates was drawn up, out of which 25 male and 10 female candidates were appointed on 20.03.1982. Tentative seniority lists of Junior PETs was issued on 16.05.1982 and 13.12.1986. After taking into consideration objections received, a final seniority list was issued on 24.12.1986. According to the applicants, this seniority list was prepared on the basis of the final merit list of the candidates prepared in the year 1982. This seniority list held the field for a considerably long time until at the

representation of some candidates, a new tentative seniority list was issued on 23.11.2001. The applicant No.1 represented against his wrong placement on 07.02.2002. Brushing aside his objections on the ground that it was received a few days after the cut off date, a new seniority list was finalised on 18.11.2003 in which the applicants were brought down in their order of seniority and some of the private respondents were advanced. Thereafter, a fresh Corrigendum was issued to that list on 30.11.2006 in which the positions of the applicants were further downgraded. Their objections against the new seniority list published on 30.11.2006 were rejected and in the DPC held on 21.06.2007 some of their juniors were promoted; hence this OA.”

2. This petition was preferred by the petitioner department in the year 2012. No interim stay was granted in respect of the impugned order. During the pendency of this petition, the petitioners have in fact implemented the impugned decision on account of Contempt Petition No.684/2012 preferred by the applicants. Consequently, the impugned decision has already been implemented and the respondents/applicants have already retired after securing promotions. Pertinently, no other person appears to have been affected on account of the grant of relief to the respondents and no issue has been raised by any third party.

3. In this background, vide order dated 17.04.2017 we had required the counsel for the petitioners to take instructions whether the petitioners wishes to pursue the present petition. Learned counsel for the petitioners states that he is not in a position to make any statement.

4. It appears to us that the issue raised in the petition has, therefore, become only academic. In the circumstances, since the

issue is no longer alive, we are not inclined to examine the impugned order on its merits.

5. Petition is, accordingly, dismissed.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 03, 2017

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