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

+ W.P.(C) 2499/2017

SANDEEP KUMAR Petitioner
Through Mr. Vidya Sagar, Advocate.

versus

UNION OF INDIA & ORS Respondent
Through Ms. Sriambhara Kashyap, Advocate
for Mr. Naresh Kaushik, Advocate for the UPSC.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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20.03.2017

This writ petition by Sandeep Kumar impugns interim order dated 27th February, 2017, passed by the Principal Bench of the Central Administrative Tribunal in OA No. 658/2017, which reads as under:-

“The grievance of the applicant is that the respondents did not communicate the holding of interview even though he was shortlisted.

Heard.

Shri R.V. Sinha, learned counsel appears and accepts notice on behalf of respondent No.1 and Shri Gyanendra Singh, learned counsel appears and accepts notice on behalf of respondents No. 2 & 3.

List on 09.03.2017.

In the meantime, selection, if any, made to the post of Joint Secretary & Legal Adviser shall remain subject to the final outcome of this OA. ”

2. The petitioner had applied pursuant to Advertisement No. 11/2016 for the post of Joint Secretary & Legal Adviser. It is a case of the petitioner that he had received the envelope containing letter dated 20th January, 2017 only on 15th February, 2017 at 1800 hours and, therefore, could not appear for the interview, which was fixed on 15th February, 2017 at 12 noon.
3. The petitioner had filed OA No.658/2017 on 21st February, 2017.
4. During the course of hearing, learned counsel for the petitioner has stated that interviews for all eligible candidates were fixed and held on 15th February, 2017. Counsel for the petitioner submits that by an interim order the petitioner should have been permitted and allowed to appear in a provisional interview to be held by the Union Public Service Commission. Further, one post should have been directed to be kept vacant.
5. We are not inclined to interfere with the impugned order, which records that selection, if any, made to the post of Joint Secretary & Legal Adviser would be subject to the final outcome of the OA. Balance of convenience has to be seen and taken into consideration. Pertinently, the

respondents have to file reply and thereafter, the matter has to be heard on merits.

6. Counsel for the petitioner submits that the hearing fixed on 9th March, 2017 has been adjourned to 5th May, 2017. It will be open to the petitioner to pray for early disposal of the OA. We hope and trust that the Tribunal keeping in view the urgency of the matter and their board, would decide the OA as early as possible.

7. The writ petition is dismissed with the aforesaid observations.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MARCH 20, 2017
NA