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

+ **W.P.(C) 7398/2017**

**ALL INDIA NAVAL DRAUGHTSMAN ASSOCIATION
AND ORS**

..... Petitioners

Through: Mr. Kunal Kalra & Ms. Megha Jain,
Advocates.

versus

UOI AND ORS

..... Respondents

Through: Mr. Arun Bhardwaj, CGSC for
respondents No.1 to 4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER
25.08.2017

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C.M. No. 30573/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7398/2017 and C.M. No. 30572/2017

Issue notice. Mr. Bhardwaj accepts notice on behalf of the respondents.

The petitioners are aggrieved by the order dated 09.11.2016 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal), whereby the Tribunal did not grant any interim order, as sought for by the petitioners in their Original Application. However, the Tribunal

observed that the selection would be subject to final outcome of the Original Application.

From the order sheets placed on record, it appears that on two occasions, the matter has been adjourned on account of paucity of time while on one occasion, it was adjourned at joint request. The case is now coming up before the Tribunal on 25.09.2017.

The reason why the petitioners have now approached at this stage is that the respondents are proceeding to make recruitment for the post of “Draughtsman Grade-II (Mechanical) (now Senior Draughtsman)”. The admit cards for the said examination, which is slated for 29.08.2017 and 30.08.2017, have already been issued.

The grievance of the petitioners is that even though the Grade-I and Grade-II Draughtsman were merged into Senior Draughtsman in the year 2008 with effect from 2006 upon implementation of the 6th Pay Commission Report, the Recruitment Rules for the post of Senior Draughtsman have till date not been finalised and notified. The respondents are now seeking to, arbitrarily, resort to recruitment, as aforesaid, without finalisation of the Recruitment Rules and by mixing and matching the rules which prevailed in respect of Grade-I and Grade-II Draughtsman.

Learned counsel submits that while in respect of Grade-I Draughtsman under the Recruitment Rules, Direct Recruitment was not envisaged, the Recruitment Rules for Grade-II Draughtsman provided for Direct Recruitment. The respondents have themselves admitted in their counter-affidavit before the Tribunal that since they could not make promotions to the post of Senior Draughtsman by resort to Recruitment Rules applicable to Grade-I Draughtsman, they have fallen back on the

Recruitment Rules of Grade-II Draughtsman to resort to Direct Recruitment. By reference to the advertisement issued by the respondents, the petitioners have pointed out that some elements of the Recruitment Rules of Grade-I Draughtsman have been picked up, while some others from the Recruitment Rules of Grade-II Draughtsman have been picked up and there is no uniformity making the process opaque and arbitrary.

Prima-facie, this Court is of the view that the recruitment proposed to be undertaken by the respondents may lead to further complications and litigation.

In these circumstances, we direct that even though the respondents may continue with the recruitment process, but the results would not be declared till the matter is taken up for hearing before the Tribunal. We direct that neither party shall seek any adjournment before the Tribunal on the date fixed. We request the Tribunal to take up hearing on the date already fixed, and if that is not possible, on the earliest date thereafter keeping in view that the recruitment process has been stayed.

The observations made by us in this order shall not come in the way of the Tribunal in determining the controversy before it on its own merits.

The petition stands disposed of in the aforesaid terms.

Dasti.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 25, 2017

B.S. Rohella