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

+ **W.P.(C) 8960/2017 & C.M. Nos.36648-50/2017**

GNCTD & ORS

..... Petitioner

Through: Mr. Sanjoy Ghose, ASC with Ms.
Urvi Mohan, Adv.

versus

SATPAL & ANR

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

12.10.2017

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The petitioner has preferred the present writ petition to assail the three orders passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) dated 25.02.2016, 06.03.2017 and 27.09.2017. By the first order dated 25.02.2016, the tribunal had allowed the OA preferred by the respondent to consider the case of the respondent for selection in accordance with law within eight weeks from the date of receipt of copy of the order.

We may observe that the reason why the petitioner was not considering the respondents candidature was that he had failed to apply online despite an advertisement being issued for that purpose after the initial

invitation of applications, in respect whereof the respondents had submitted their applications.

The case of the respondent was that the application was submitted to the petitioner's agent appointed for that purpose by dropping the application in the drop box. The agent of the petitioner did not grant any acknowledgement of receipt of the application at the time of the submission of the application.

To establish that the respondent had submitted his application, he had even produced the pay order got prepared by them to be submitted along with their application. The tribunal by placing reliance on a decision of this Court in *Vikas Choudhary v. GNCTD* in W.P. (C) No. 9869/2015 dated 27.11.2015 held that merely because the respondents had not applied online, they could not be denied their right to participate in the selection process. Consequently, the OA was allowed.

The petitioner then passed a speaking order taking the ground that there were nothing to show that the respondents had actually submitted their application by dropping the same in the drop box. Pertinently, the petitioners did not controvert the respondents categoric assertion that they had so submitted their application.

The tribunal vide order dated 06.03.2017 rejected the petitioners submission by holding that if the petitioner/ its agent adopted the aforesaid mechanism of accepting the applications by merely dropping it in the drop box, they must take the responsibility for the same. The petitioner was, therefore, directed vide order dated 06.03.2017 in C.P. No.280/2016 to comply with its directions and issue appointment letter to the candidates who otherwise satisfy the eligibility conditions for the post in question.

We may, at this stage, observe that initially there were 11 applicants in the OA. However, only two of them, namely, the respondents herein cleared the skill test.

Since the petitioner still did not comply the order of the tribunal, the tribunal was compelled to pass the order dated 27.09.2017 whereby bailable warrants have been issued for appearance of the Chief Secretary, Secretary (Services) and Chairman (DSSSB) before the tribunal on 26.10.2017 in case they do not comply with the orders of the tribunal. Despite the aforesaid order, the petitioner has not complied with the initial order of the tribunal dated 25.02.2016 till date. Instead the present writ petition has been preferred.

We find absolutely no merit in the present petition. The attitude of the petitioner appears to be stubborn and incorrigible. We, therefore, dismiss the petition with the direction to the petitioner to comply with the orders of the tribunal. However, in case the petitioner even now complies the order of the tribunal, the personal appearance of the aforesaid officers of the petitioner before the tribunal shall stand exempted.

Order dasti under the signatures of the Court Master.

VIPIN SANGHI, J

REKHA PALLI, J

OCTOBER 12, 2017

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