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

+ W.P.(C) 1134/2018, CM APPL 4771/2018

KAMAL KANT & ORS

..... Petitioners

Through Mr. Shadan Farasat with Mr. Shashi
Pratap Singh, Advocates.

versus

AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT
DEVELOPMENT AUTHORITY (APEDA) & ANR

..... Respondents

Through Ms. Sonali Malhotra with Mr. Amit
Sanduja, Advocates for R-1.
Ms. Suparna Srivastava with Ms. Sanjna
Dua, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **16.02.2018**

1. By this petition under Article 226 of the Constitution of India, petitioners seek the following prayers :-

1. Issue a writ of Mandamus or any other appropriate Writ declaring 'Agricultural and Processed Food Products Export Development Authority, (Recruitment) Revised Regulations, 2011 as being in violation of Article 14 and Article 16 of the Constitution of India in so far as it does not include the post of Office Executive as a feeder cadre to the post of Assistant General Manager.
2. Issue a writ of Mandamus or any other appropriate Writ directing the Respondents to amend the 'Agricultural and Processed Food Products Export Development Authority, (Recruitment) Revised Regulations, 2011 so as to include the post of Office Executive as a feeder cadre to the post of Assistant

General Manager and give the petitioners the benefit of this including the consequent seniority from the date they respectively starting working at the post of office executive; AND/OR

3. Issue a writ of Mandamus or any other appropriate Writ declaring that the minimum number of years of regular service required to get promoted from a post with grade pay of 2800/- to a post with grade pay of 4200/- being 3 years and the minimum number of years of regular service required to get promoted from a post with grade pay of 2400/- to a post with grade pay of 4200/- being 5 years, under the 'Agricultural and Processed Food Products Export Development Authority, (Recruitment) Revised Regulations, 2011, is violative of Article 14 and Article 16 of the Constitution of India.
4. Issue a writ of Mandamus or any other appropriate Writ directing the Respondents to amend the 'Agricultural and Processed Food Products Export Development Authority, (Recruitment) Revised Regulations, 2011 so as to increase the minimum number of years of regular service required to get promoted from a post with grade pay of 2800/- to a post with grade pay of 4200/- to at least 6 years and to increase the minimum number of years of regular service required to get promoted from a post with grade pay of 2400/- to a post with grade pay of 4200/- to at least 10 years as per guidelines issued vide office memorandum dated 24.03.2009 by department of personal and training.

2. One of the main grievances of the petitioners is that despite making various representations to the respondents, no response has been received. Counsel for the respondents submits that the respondents are willing to form a committee of senior officials to consider the grievances of the petitioners.

3. Counsel for the petitioners submits that the petitioners would make a consolidated representation to the committee and seek a direction that the committee should give them a personal hearing when not more than two persons

would attend and a direction that the representation/order be communicated to the petitioners within a period of four months from the date of receipt of the representation. Counsel further submits that the petitioners would make a consolidated representation within two weeks from today. He further submits that in case the petitioners are aggrieved by the final order so passed they would seek such remedy available in accordance with law.

4. In view of the stand taken by counsel for the parties, the writ petition is disposed of in above terms with liberty as prayed.

CM APPL 4771/2018

No orders are called for in view of the order passed in the writ petition.

The application stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 16, 2018

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