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

+ W.P.(C) 699/2005

UOI

..... Petitioner

Through
versus

Ms. Saroj Bidawat, Advocate.

C.P.S.YADAV & ORS.

..... Respondents

Through

Mr. A.K. Behera and Mr. A.P. Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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22.01.2018

The present writ petition seeks quashing/setting aside an order dated 22nd September, 2004, rendered by the Central Administrative Tribunal, Delhi in OA Nos. 2068/2003, 2107/2003 & 124/2004, titled as "*C.P.S. Yadav & Ors. vs. Union of India & Ors., Mr. Mahender Pratap & Ors. vs. Union of India & Ors. and S.K. Puri (II) & Anr. vs. Union of India & Ors.*", respectively, whereby, a seniority list assailed on behalf of the promotees granting seniority to the direct recruits had been set aside.

Learned counsel appearing on behalf of the parties have invited our attention to a decision of the Hon'ble Supreme Court of India in "*Union of India & Ors. vs. N.R. Parmar & Ors.*", reported as (2012) 13 SCC 340 and in particular, paragraph 34 thereof to urge that the issue raised in the present petition is covered on all fours, inasmuch as, the claim of the promotees that the direct recruit Income Tax Inspectors, in the instant case should be

assigned seniority with reference to the date of their actual appointment in the Income tax Department, is categorically declined.

A perusal of paragraph 16 of the decision in “*Union of India & Ors. vs. N.R. Parmar & Ors. (supra)*”, reveals that the issue is no longer at large and that the said impugned judgment dated 22nd September, 2004, rendered by the Central Administrative Tribunal, Delhi, has already been set aside by the Hon’ble Supreme Court of India, in that case.

In view of the foregoing, the present petition is allowed. The impugned judgment is accordingly set aside, in terms of the dictum of the Hon’ble Supreme Court of India in “*Union of India & Ors. vs. N.R. Parmar & Ors.*”(supra).

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

JANUARY 22, 2018

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