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

+ W.P.(C) 3434/2018 & CM No. 13583/2018, CAV No. 285/2018

S.V. CHAK AND ORS. Petitioners

Through: Mr. Manoj Ohri, Senior Advocate with
Mr. Ajesh Luthra, Ms. Sriparna Chatterjee,
Mr. Nawan Singh Jaglan and Mr. Rajeev Ranjan.
Advocates

versus

UNION OF INDIA THROUGH SECRETARY MINISTRY OF
CORPORATE AFFAIRS AND ORS. Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC with
Mr. Ravi Vazirani and Mr. K. Yadav, Advocates
for R-1 and R-2

Mr. H.K. Gangwani, Mr. Lata Gangwani and
Mr. Vidya Sagar, Advocates for R-3 to R-45

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **09.04.2018**

1. The petitioners are aggrieved by the interim order dated 26.02.2018, passed by the Central Administrative Tribunal, modifying its earlier order dated 11.04.2017, where under the respondent directed not to take any further action on OM dated 21.03.2017, rejecting their representations in respect of the Seniority List drawn for the post of Senior Technical Assistant.

2. Vide impugned order dated 26.02.2018, the Tribunal has modified the blanket stay granted by it vide order dated 11.04.2017, on the basis of two separate applications filed by the respondents for seeking vacation of the interim order. Instead, the Tribunal has directed that the promotions made by the Department shall be provisional in nature and subject to the final outcome of the O.A. Further, eight vacancies in the promotional quota of the Junior Time Scale (JTS) have been directed to be reserved and in the event the petitioners succeed in the OA, they would be entitled to all the benefits including seniority from the date the other promotions would be made, in accordance with law.

3. Mr. Ohri, learned Senior Advocate appearing for the petitioners submits that the Tribunal ought not to have modified the earlier order dated 11.04.2017, inasmuch as not only the petitioners, but other departmental promotional candidates who were thirty in number would be adversely affected by the provisional promotion directed to be granted by the respondents.

4. Having regard to the fact that none of the other thirty departmental promotional candidates have elected to approach the Tribunal for relief, the question of granting a blanket stay of the impugned OM dated 31.03.2017 does not arise. Quite clearly, protection has been granted to the eight petitioners, who are applicants before the Tribunal, with a further caveat that eight vacancies be reserved for them in the promotional quota of JTS. We may note that the Tribunal has fixed a date in the O.A. for arguments, on 16.04.2018, which falls on next Monday. In such circumstances we do not see any justification to interfere in the impugned order. In view of the

submission made before us that the Principal Bench in the Tribunal is presently not functional, the next senior most Bench is requested to hear arguments in the pending O.A. on the date fixed and dispose of the same as expeditiously as is possible. It is made clear that neither of the parties shall be accommodated for an adjournment at the time of arguments.

5. The petition is disposed of along with the pending applications.

HIMA KOHLI, J

PRATIBHA RANI, J

APRIL 09, 2018

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