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

+ W.P.(C) 3572/2018 & C.M. Nos.14134/2018 (for stay), 14135/2018
(for additional documents)

RAMESH CHAND MEENA AND ORS. Petitioners

Through: Dr.K.S. Chauhan, Mr.Ajit Kumar
Ekka & Mr.Ravi Prakash, Advs.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr.Jagjit Singh & Mr.Narayan Dev
Parashar, Advs.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **12.07.2018**

1. The petitioners, who are respondents in O.A. No.3896/2015 filed by the respondents No.4 and 5 herein, are aggrieved by a common judgment dated 22.01.2018 passed by the Central Administrative Tribunal, wherein the issue relating to reservation in promotion was raised. In the impugned judgment, the Tribunal had relied on the case of Suresh Chand Gautam Vs. State of Uttar Pradesh and Others [**AIR 2016 SC 1321**] as also the directions issued by the Supreme Court in the case of M. Nagaraj & Ors. Vs. Union of India & Others [(**2006**) **8 SCC 212**] and held that if the State wishes

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to exercise its discretion and make provisions for reservation in promotion, it must collect quantifiable data showing backwardness of the Class and inadequacy of the representation of that Class in public employment in addition to complying with Article 335. Noting that the respondents herein have not conducted the exercise as directed by the Constitution Bench in the case of M Nagaraj (supra) and that without such an exercise being conducted, no State/Authority can apply the rule of reservation in promotion, the Tribunal has disposed of the original application with directions to the respondents to comply with directions given in M. Nagaraj (supra), by collecting the quantifiable data for giving effect to the rules of reservation in promotions.

2. Dr. Chauhan, learned counsel for the petitioners, submits that the Tribunal has failed to appreciate that in a recent order dated 14.11.2017 passed by the Supreme Court in State of Tripura & Ors. vs. Jayanta Chakrobarty & Ors. [Civil Appeals No.4562-4564 of 2017], it was opined that the case requires to be heard by a Constitution Bench as per the constitutional mandate under Article 145(3) of the Constitution of India, for consideration, including a relook at the judgment in M. Nagaraj (supra), if necessary.

3. On perusing the order dated 14.11.2017 in Jayanta Chakrobarty (supra), we find that the counsel for the petitioners therein had pressed for an interim relief, which was declined by the Supreme Court with an express view that even interim relief needs to be considered by the Constitution Bench, and liberty was granted to the parties to mention

the urgency before the Hon'ble Chief Justice of India.

4. This being the position, we are not inclined to interfere in the impugned judgment or entertain the present petition, which is disposed of alongwith the pending applications with liberty granted to the petitioner to approach the Supreme Court for appropriate relief.

HIMA KOHLI, J

REKHA PALLI, J

JULY 12, 2018

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