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

+ W.P.(C) 3545/2018 and CM APPL. 14000/2018

INDIAN STATISTICAL SERVICE ASSOCIATION & ANR

..... Petitioners

Through: Mr.S.K. Rungta, Sr. Advocate with
Mr. Prashant Singh, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Arun Bhardwaj, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **11.04.2018**

1. The petitioner/Association is aggrieved by the interim order dated 28.03.2018, passed by the Central Administrative Tribunal in O.A. No.1219/2018 filed by it for quashing the Notifications dated 07.02.2018 and 23.02.2018 issued by the respondents, prescribing the maximum age limit of 55 years as an eligibility criteria for a candidate for being considered for appointment to the post of Chief Statistician of India in the National Statistical Commission.

2. The records reveal that on 28.03.2018, learned counsel for the respondents had entered appearance before the Tribunal and had sought time to file a reply. Time was granted by the Tribunal to file a reply and the matter was adjourned to 19.07.2018. Further, the Tribunal had directed that

if any appointment is made to the post of Chief Statistician, that the same shall be subject to the outcome of the O.A.

3. Aggrieved by the aforesaid order, the petitioners have filed the present petition stating *inter alia* that if the respondents are permitted to continue with the selection process, then the O.A. filed by them before the Tribunal, shall be rendered infructuous.

4. We have expressed a *prima facie* view that the petitioners have been granted adequate protection by directing that any appointment made to the post of Chief Statistician shall be subject to the outcome of the OA and no interference is called for by this court.

5. At this stage, Mr. Rungta, learned Senior Advocate appearing for the petitioners states, on instructions, that the challenge laid by the petitioners to the Notifications dated 07.02.2018 and 23.02.2018 are also the subject matter of **O.A. No.1009/2018** entitled Tushar Ranjan Mohanty vs. M/o Statistics. He hands over a copy of the orders passed by the Tribunal in said O.A., which reveals that the same will be listed on 09.04.2018, for final arguments. Learned Senior Advocate states that on 09.04.2018, the Bench was not available and the said O.A. has been adjourned to 24.04.2018. He states that the petitioners shall file an application before the Tribunal within two days with a request that O.A. No.1219/2018 be tagged with O.A. No.1009/2018, and taken up together for final arguments on the same date, i.e., 24.04.2018.

6. We have enquired from learned counsel for the respondents as to whether the counter affidavit has been filed so far in O.A. No.1219/2018. Learned counsel states that he does not have any instructions in this regard.

In any case, the period of four weeks reckoned from 28.03.2018, have yet to expire. The respondents are directed to ensure that the counter affidavit is ready and filed in O.A. 1009/2018 with a copy furnished to the other side and the petitioners herein well before 18.04.2018, so that a rejoinder thereto can be filed, if necessary, within three days therefrom and the matter can be argued before the Tribunal on 24.04.2018, the date already fixed in the captioned O.A.

7. It is further directed that if the petitioners file an application before the Tribunal within two days from today with a prayer that OA. No.1219/2018 be tagged with O.A. No.1009/2018, the same shall be considered and appropriate orders passed well in time.

8. The present petition is disposed of alongwith the pending application.

HIMA KOHLI, J

PRATIBHA RANI, J

APRIL 11, 2018

na/ds