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

+ W.P.(C) 6619/2018 & C.M. Nos.25261/2018(for stay),
25262/2018(for exemption)

RAMESH SINGH & ANR Petitioners
Through Mr.M.K. Bhardwaj, Adv.

versus

UNION OF INDIA & ORS Respondents
Through Mr.Dev. P. Bhardwaj, Adv. for R-1.
Mr.Rajeev Sharma, Adv. for R-2 to 4.
Mr.Mahesh Agarwal, Adv. with
Ms.Malavika Lal, Adv. for R-6.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **06.07.2018**

1. The petitioners are aggrieved by the order dated 29th May, 2018, passed by the Central Administrative Tribunal, disposing of the contempt petition filed by them for non-compliance of the order dated 21st September, 2016 passed in O.A. No.2733/2010. A perusal of the impugned order reveals that the respondents have passed independent speaking orders both dated 1st May, 2018, in respect of each of the petitioners, declining their request for promotion from the post of Assistant Engineer to JTS Grade, on the ground that they are ineligible for such a promotion.

2. Mr.Rajeev Sharma, learned counsel for the respondent Nos.2 to 4 submits that once the speaking orders have been passed by the respondents

on 1st May, 2018, a fresh cause of action has accrued in favour of the petitioners and if aggrieved thereby, they are still entitled to take independent legal recourse without assailing the impugned order dated 29th May, 2018 passed by the Tribunal wherein, it has only been recorded that the order dated 21st September, 2016 passed in the earlier OA filed by the petitioners have been complied with. We are inclined to agree with the aforesaid submission.

3. At this stage, Mr.Bhardwaj, learned counsel for the petitioners states that even if the petitioners take fresh legal recourse against the order dated 1st May, 2018, the challenge laid to the earlier order dated 9th August, 2010 in O.A. No.2733/2010 even if agitated by the petitioners may not be entertained in view of the order dated 21st September, 2016.

4. It is clarified that in view of the observations made by the respondents in its order dated 1st May, 2018 to the effect that the earlier order issued on 9th August, 2010 holds good and admittedly, the legality and the validity of the said order was not examined by the Tribunal while passing the order dated 21st September, 2016, in the earlier petition, the petitioners shall be well entitled to assail the order dated 1st May, 2018 as also the order dated 9th August, 2010 passed by the respondents, by taking all the pleas that may be available to them, both in law and on facts.

5. With the aforesaid clarification, the present petition is disposed of along with the pending applications.

6. In view of the fact that much water has flown under the bridge over the past eight years and the petitioners are on the verge of superannuation, as and when they file a fresh OA, the Tribunal is requested to dispose of the

same as expeditiously as possible.

7. It is further directed that in case the petitioners file a fresh petition within two weeks from today along with an application for interim relief, the same shall be considered by the Tribunal on its own merits and till appropriate orders are passed on the application for interim relief, status quo with regard to the post that the petitioners are presently on, shall be maintained.

HIMA KOHLI, J

REKHA PALLI, J

JULY 06, 2018
gm