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

+ W.P.(C) 7079/2018 & C.M.No.26919/2018 (for stay)

DELHI SUBORDINATE SERVICES SELECTION

BOARD AND ANR.

..... Petitioners

Through Ms.Avnish Ahlawat, S.C. with
Mr.Nitesh Kumar Singh, Ms.Tania Ahlawat &
Ms.Palak Rohmetra, Advs.

versus

RAMESH KUMAR SHOKARIYA

..... Respondent

Through

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **11.07.2018**

C.M.No.26920/2018 (for exemption)

1. Subject to the applicant filing certified/typed/legible copies of the documents annexed with the petition within four weeks, the application is allowed and disposed of.

W.P.(C) 7079/2018 & C.M.No.26919/2018 (for stay)

1. The petitioner/Government of NCT of Delhi is aggrieved by the order dated 15.11.2017 passed by the Central Administrative Tribunal in OA 3661/2015 whereby it has been directed to consider the selection of the respondent and other similarly placed candidates for

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the post of Staff Nurse (Post Code 77/09 Advertisement 04/09) in the SC category on the basis of their merit position in the said category and thereafter take an appropriate decision.

2. At the outset, we have enquired from Ms.Avnish Ahlawat, learned counsel for the petitioner, as to whether the aforesaid order has been complied with and a speaking order passed and communicated to the respondent. Learned counsel concedes that in this case no speaking order has been passed so far.

3. That being the position, we decline to entertain the present petition as the limited direction issued to the petitioner by the Tribunal was only to consider the candidature of the respondent for the said post by treating him as a member of the SC category and on the basis of his merit position in the said category, by passing a speaking order.

4. Learned counsel states that in some cases, speaking orders have been passed and the petitioner has no objection to passing a speaking order even in the present case. The only apprehension of the petitioner is that even if they passes a speaking order, instead of assailing the same on merits, the respondent is likely to file a contempt petition against them before the Tribunal alleging non-compliance of the impugned judgment.

5. It is clarified that if and when the said situation arises, the petitioner shall be entitled to seek legal recourse, as may be advised.

6. The petition is disposed off along with the pending application.

HIMA KOHLI, J

REKHA PALLI, J

JULY 11, 2018
sr/rd