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

+ W.P.(C) 9316/2018 & C.M. Nos.36019/2018 (for stay), 36020/2018
(for additional documents), 36021/2018 (for exemption)

HARJEET SINGH CHADHA AND ORS. Petitioners

Through: Mr.K.C. Mittal with Ms.Ruchika
Mittal, Mr.Yugansh Mittal &
Mr.Amit Prakash Shahi, Advs.

versus

GOVERNMENT OF NCT OF DELHI AND ORS..... Respondents

Through: Mr.N.K. Singh for Ms.Avnish
Ahlawat, Standing Counsel for R-1 to
3.
Mr.Naresh Kaushik & Mr.Devik
Singh, Advs. for R-4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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05.09.2018

1. The petitioners are aggrieved by the order 31.07.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, dismissing OA No.726/2014 filed by them praying *inter alia*, for several reliefs including quashing of the recruitment process for initiating appointment of Assistant Professors, as mentioned at Sl. No.5 of the Advertisement Nos.5/2014, Sl. No.9 and 10 of the ***W.P.(C) 9316/2018***

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Advertisement No.19/2013, Sl. No.18 of the Advertisement No.20/2013 and Sl. No.4 of the Advertisement No.01/2014. Further, the petitioners have prayed for being regularized on the post of Assistant Professor on the ground that they were recruited through a regular recruitment process and are therefore, entitled to regularization.

2. Mr.Mittal, learned counsel for the petitioners submits that despite his having made a clear submission at the time of arguments before the Tribunal that he proposed to confine the reliefs in the OA to prayer clauses 8(a) and (f),while giving up the remaining prayers, the Tribunal has proceeded to deal with the issue relating to the power of the UPSC in terms of the prayers made in the OA at para 8(a), (b), (c) and (d), which were not pressed by him. To fortify the said submission, learned counsel refers to para 8 of the impugned order and submits that once the aforesaid reliefs were given up, there was no occasion for the Tribunal to have returned any findings thereon.

3. Learned counsel further states that the impugned order is extremely cursory inasmuch as the Tribunal has failed to deal with any of the decisions cited by him in support of his arguments though they have been referred to in para 5 of the impugned judgment, except for making a passing reference in para 9 to the effect that the said decisions cited for seeking regularisation of the petitioners, would depend on the circumstances under which an employee is appointed, without going into the fact situation of the said cases vis-a-vis those pleaded in the instant case.

4. On perusing the impugned judgment, we are inclined to agree with the learned counsel for the petitioners that the impugned judgment has not determined the pleas taken by the petitioners. The petitioners have specifically pleaded in the OA that the respondents had, on their own, taken up the issue of regularizing them by setting up a Committee under the Chairmanship of the Chief Secretary, GNCTD and have stated once the said process had commenced, the respondents ought not to have issued the impugned advertisements. Further, the petitioners have averred in para 4.3A of the OA that they had been appointed in accordance with the extant rules and it was not a case of a backdoor entry inasmuch as an advertisement had been issued by the respondents for the vacancies in question and the petitioners had applied along with others, had duly participated in the selection process and were finally on being selected found eligible for the subject post, in terms of the recruitment rules. Thus, their appointment was not *de hors* the rules. In our view, all the aforesaid issues required a deeper examination than the one accorded by the Tribunal in the impugned order.

5. Accordingly, the impugned order is quashed and set aside and the OA is restored to its original position. As the pleadings in the OA are complete, the parties shall address arguments before the Tribunal limited to the prayers made in para 8(a) and 8(f) of the OA.

6. List before the Registrar of the Tribunal on 03.10.2018 for fixing a date before the concerned Bench for arguments.

7. As we are informed by learned counsel for the petitioners that the petitioner nos.1 to 11 are continuing to work as Assistant Professors with the respondent no.3 and a status quo order had been granted by the Tribunal in their favour on 27.02.2014, which had continued till the impugned order was passed, it is deemed appropriate to restore status quo as on date. The said order will continue to operate till the OA is heard and disposed of on merits. The Tribunal is requested to make an endeavour to hear the arguments and dispose of the OA as expeditiously as is possible.

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

HIMA KOHLI, J

REKHA PALLI, J

SEPTEMBER 05, 2018/gm