

\$~33.

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

+ W.P.(C) 13374/2018

ARUN SAXENA & ORS Petitioner

Through: Mr. A.K. Trivedi, Adv.

versus

UNION OF INDIA & ORS Respondent

Through: Mr. J.K. Singh, St. Counsel for
Railway with Mr. Harsh Panditi,
Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

13.12.2018

%

The petitioner impugns the order dated 19.11.2018 in M.A. No. 3966/2018 in O.A. No. 3082/2018. The Tribunal by the said order directed that any fresh selection to be made shall subject to the result of the Original Application. The submission of the petitioner is that the fresh selection process should be stayed, particularly, in view of the fact that the Original Application is now listed for hearing on 09.01.2019.

We do not find any merit in this petition.

The rights of the petitioners have been sufficiently protected by the Tribunal. In case, the Tribunal finds merit in the Petitioners Original Application - who were declared successful in the previously held selection process, which was cancelled, the petitioners would be entitled to be promoted as opposed to others, who may get selected in the fresh selection

process initiated by the respondents.

We, however, make it clear that, in case, the petitioners do not participate in the fresh selection process; they shall do so at their own peril. At the same time, their participation in the fresh selection process shall be without prejudice to their claim in the Original Application.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 13, 2018

N.Khanna