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

+ **W.P.(C) 1371/2019 & CM APPL. 6261/2019**

SANTOSH KUMAR AGARWAL AND ORS. Petitioners

Through: Mr.Saurabh Kripal, Mr.Saket Sikri,
Mr.Devesh Tripathi and Mr.Ajay Pal
Singh, Advocates.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr.Jagjit Singh, Sr. Standing Counsel
for Railways, Mr.Vipin Chaudhary
and Mr.Preet Singh, Advocates for
R-1.
Mr.Abhishek Kumar Chaudhary,
Government Pleader/Advocate for
UOI.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **12.02.2019**

CM APPL. 6262/2019 (*exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1371/2019

By the present petition, the petitioner seeks a direction to declare Rules 328, 329 and 330 governing the seniority of Group A officers in the Ministry of Railway as provided for in the Rules for the Indian Railway Service of Engineers contained in the Indian Railway Establishment Manual

Volume-I Chapter-III to be arbitrary, ultra vires and violative of Article 14 of the Constitution of India.

After some hearing in the matter, Mr.Kripal, learned counsel appearing for the petitioner submits that the petitioner would revive the three OAs which were filed, being OA Nos.2703/2018, 2704/2018 and 2733/2018 before the Central Administrative Tribunal (CAT) in view of the observations of the Supreme Court of India contained in Paras 98 and 99 of *L. Chandra Kumar vs. Union of India*, reported as (1997) 3 SCC 261.

Learned counsel who enters appearance on behalf of the respondents, opposes the present petition and also submits that relief cannot be granted even before the Tribunal.

Accordingly, the present writ petition is dismissed as withdrawn. Liberty is granted to move an application for revival which would be considered on the merits by the Tribunal.

All legal objections available to the respondents are left open.

G.S.SISTANI, J

JYOTI SINGH, J

FEBRUARY 12, 2019

SSC

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