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

+ **W.P.(C) 6639/2019**

**ANIL KUMAR & ORS.**

..... Petitioner

Through: Mr. Sudhir Nagar with Mr. Mohit Singh, Advs.

versus

**UNION OF INDIA & ORS.**

..... Respondent

Through: Mr. R.V. Sinha with Mr. A.S. Singh, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

**05.08.2019**

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**C.M. No. 28058/2019**

Exemption allowed, subject to all just exceptions. The application stands disposed of.

**W.P.(C) 6639/2019 & C.M. Nos. 28057, 28059/2019**

The petitioners are aggrieved by the decision of the Principal Bench of Central Administrative Tribunal in O.A. No. 819/2019, decided on 19.03.2019. The Tribunal has rejected the said Original Application, wherein they had sought a direction to the respondents to offer appointment to the petitioners by exhausting the list of extra candidates prepared for the

posts advertised by the advertisement in question issued in the year 2010.

The Tribunal has rejected the Original Application primarily on the ground of limitation since the panel of extra 20 per cent candidates, wherein the petitioners' name figured, was prepared in the year 2010 and the Original Application had been filed in the year 2019. The petitioners sought to justify the belated filing of the Original Application on the plea that it was only in the year 2017 that the respondents sought to fill up the vacancies through a fresh recruitment process. The petitioners claimed that they learnt of the said process in September, 2018 and, consequently, they preferred the Original Application.

The submission of the petitioner has no merit either on the point of limitation or on merits. The cause of action of the petitioners, if at all, arose in the year 2010 or soon thereafter. Mere issuance of a fresh advertisement on 12.12.2017 will not give them a fresh cause of action since it would be unreasonable for anyone to assume that a panel prepared for 20 per cent extra candidates would remain valid for as long as 9 years. Learned counsel for the petitioner has argued that the respondents continued to operate the panel till 2017. If that is accepted as a reason to direct respondents to continue to operate the same panel, there would be no end and by that logic the panel should be continued to be operated till the same is exhausted.

The petitioners have not been able to point any vested right in them to seek operation of the stale panel which is 9 years old. During this period, a large number of other youngsters have become eligible to apply for and compete for the vacancies which may have arisen in the meantime and there is no justification to keep them out of the competition process.

Reliance has been placed by learned counsel for the petitioner on the

decision of the Supreme Court *in Dinesh Kumar Kashyap and Others etc. v. South East Central Railway and Others etc.*, Civil Appeal No. 11360-11363/2018, decided on 27.11.2018. This decision does not state that a panel once prepared could be kept alive *ad infinitum* till it is exhausted. Even in this case, the Supreme Court limited the relief only to those appellants who had approached the CAT contemporaneously. The petitioners, however, slept over the matter and did not raise any issue for 9 years.

We, therefore, do not find any merit in this petition.

Dismissed.

**VIPIN SANGHI, J**

**RAJNISH BHATNAGAR, J**

**AUGUST 05, 2019**

*N.Khanna*