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

+ **W.P.(C) 8455/2019**

AMAR JEET AND ORS.

..... Petitioners

Through: Mr. S.K. Malik, Adv.

versus

GOVT. OF NCT DELHI AND ORS.

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Singh and
Ms. Laveena Arora, Advs. for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

05.08.2019

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C.M. Nos. 34893/2019 & 34910/2019

Exemptions allowed, subject to all just exceptions. The applications stand disposed of.

W.P.(C) 8455/2019 and C.M. No. 34894/2019

Issue notice. Counsel for the respondents accepts notice.

The petitioners are aggrieved by the order dated 08.07.2019 passed by the Central Administrative Tribunal, Princippal Bench, New Delhi (CAT/ Tribunal) in interim application moved by the petitioners to seek interim stay of the examination to be conducted in pursuance of the notification dated 19.06.2019 & 26.06.2019. The Tribunal has rejected the application for interim prayer on the ground that the applicants had earlier filed O.A.

No.579/2014 challenging the Advertisement No.01/2014. The Tribunal had earlier as well refused to interfere with the same and grant similar reliefs to the petitioners.

The submission of learned counsel for the petitioners is that the petitioners have been serving the respondents for about 20 years or less. The petitioners have been seeking regularisation but the respondents have not considered the same and passed any final order. They are now seeking to proceed to fill up the vacancies by direct recruitment for which the notifications have been issued. Reference is made by learned counsel for the petitioners to the orders passed by the Tribunal in the earlier Original Applications directing the respondents to consider the petitioners case for regularisation.

The grievance of the petitioners is that despite the directions of the Tribunal to consider the petitioners' case for regularisation after framing a scheme, inter alia, in terms of the decision of the Supreme Court in *Secretary, State of Karnataka & Others Vs. Umadevi & Others*, AIR 2006 SC 1806 : (2006) 4 SCC 1, the respondents are proceeding to fill up the vacancies through direct recruitment process.

Considering the circumstances, we are not inclined to interfere with the impugned order and grant any stay of the recruitment process that the respondents are undertaking. However, we make it clear that it shall not be a ground available to the respondents to reject the petitioners' claim for regularisation that the vacancies have already been filled and are not available. We also direct the respondents to take a decision on the petitioners' claim for regularisation positively within the next three months and to communicate their decision to the petitioners.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

AUGUST 05, 2019

B.S. Rohella