

\$~12, 13

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

+ W.P.(C) 921/2019

UNION PUBLIC SERVICE COMMISSION

..... Petitioner

Through Mr. R.V. Sinha with Mr. A.S. Singh, Mr.
Amit Sinha, Mr. Vaibhav Pratap Singh
and Mr. Sharanya Sinha, Advocates

versus

DR. R.J.R. KASIBHATLA AND ORS.

..... Respondents

Through Mr. Sameer Kumar, Advocate for
respondent No.1.
Mr. Ripu Daman Bhardwaj and Mr.
Kushagra Kumar, Advocates for UOI.
Mr. J.K. Singh and Mr. Amit Kumar,
Advocate for respondent No.4.

+ W.P.(C) 940/2019

UNION PUBLIC SERVICE COMMISSION

..... Petitioner

Through Mr. R.V. Sinha with Mr. A.S. Singh, Mr.
Amit Sinha, Mr. Vaibhav Pratap Singh
and Mr. Sharanya Sinha, Advocates

versus

MUKESH KUMAR AND ANR.

..... Respondents

Through Mr. Sameer Kumar, Advocate for
respondent No.1.
Mr. Ripu Daman Bhardwaj and Mr.
Kushagra Kumar, Advocates for UOI.
Mr. J.K. Singh and Mr. Amit Kumar,
Advocate for respondent No.4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

11.02.2020

CM.APPL 4145/2019(additional documents) in W.P.(C) 921/2019

CM.APPL 4239/2019(additional documents) in W.P.(C) 940/2019

The additional documents be taken on record, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 921/2019 & CMs.APPL 49562/2019(direction) & 4144/2019(stay)
W.P.(C) 940/2019 & CM.APPL 4238/2019(stay)

On 29.01.2019, this Court had passed the following order:

“Issue notice.

Learned counsel for respondent Nos.2 & 3 accepts notice.

The submission of learned counsel for the petitioner is that so far as respondent No.1 is concerned, under the orders of the Central Administrative Tribunal (CAT), he has been interviewed even though he did not fulfil the short-listing criteria.

He submits that whichever candidates have approached the CAT, have been similarly interviewed. He submits that the direction issued by the CAT in the impugned order dated 30.11.2018 that such of the applicants who have put in 16 years of service, including legal practice, shall be treated as qualified, would result in the petitioner having to undertake interview of about 94 candidates who do not meet the short-listing criteria.

In view of the aforesaid, we stay the operation of the direction issued by the CAT and make it clear that it shall not be necessary for the petitioner to call for interview all those candidates who do not meet the short-listing criteria without prejudice to the rights and contentions of the respondent No.1 and all the other applicants who have preferred their respective original applications before the CAT.

Issue notice to respondent No.1 returnable on 19.08.2019.

Dasti.”

Learned counsel for the petitioner submits that the matters before the Central Administrative Tribunal (the ‘Tribunal’) are listed on 03.03.2020 for final hearing. It is submitted that the writ petitions be disposed of confirming the order dated 29.01.2019 passed by this Court and clarifying that the observations made by this Court will not come in the way of the Tribunal at the

time of final hearing.

Accordingly, while the order dated 29.01.2020 is confirmed, it is made clear that the Tribunal would hear the OAs unaffected by any of the observations made by this Court.

The writ petitions are disposed of, as jointly prayed.

All pending applications also stand disposed of.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 11, 2020

pst /
W.P.(C) 921/2019 etc.