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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 4th June, 2021

+ **W.P.(C) 5790/2021 & CM APPL. 18150-51/2021**

GOVT. OF NCT OF DELHI & ORS. Petitioners
Through Mrs.Avnish Ahlawat, SC-
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Mrs.Tania Ahlawat, Ms.Palak
Rohmetra, Advs

Versus

GYANVATI & ANR. Respondents
Through: Mr.Bhagvan Swarup Shukla,
CGSC with Mr.Sarvan Kumar,
Adv. for UOI (R2).

(5) **W.P.(C) 5839/2021 & CM APPL. 18294-95/2021**

GOVT. OF NCT OF DELHI & ORS. Petitioners
Through Mrs.Avnish Ahlawat, SC-
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Mrs.Tania Ahlawat, Ms.Palak
Rohmetra, Advs

versus

VISHAL HOODA & ANR. Respondents
Through: Ms.Nidhi Banga, SPC for R-
2/UOI.

(6) **W.P.(C) 5841/2021 & CM APPL. 18300-01/2021**

GOVT. OF NCT OF DELHI & ORS. Petitioners
Through Mrs.Avnish Ahlawat, SC-
GNCTD (Services) with
Mr.Nitesh Kumar Singh,

Signature Not Verified

Digitally Signed
By:SHALGO BATRA

05.06.2021 17:50:00 W.P.(C) 5790/2021, 5839, 5841-5845 & 5856/2021

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Mrs.Tania Ahlawat, Ms.Palak
Rohmetra, Advs

versus

JYOTI & ORS.

..... Respondents

Through: Mr.Dev P Bhardwaj, CGSC
with Ms.Anubha Bhardwaj,
Adv for R-2/UOI.

(7) W.P.(C) 5842/2021 & CM APPL. 18302-03/2021

GOVT. OF NCT OF DELHI & ORS.

..... Petitioners

Through Mrs.Avnish Ahlawat, SC-
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Mrs.Tania Ahlawat, Ms.Palak
Rohmetra, Advs

versus

AMIT KHATRI & ANR.

..... Respondents

Through: Mr.Rajesh Kumar, SPC with
Mr.Abhishek Khanna, Mr. Ravi
Rai, Advs.for R-2/UOI.

(8) W.P.(C) 5843/2021 & CM APPL. 18304-05/2021

GOVT. OF NCT OF DELHI & ORS.

..... Petitioners

Through Mrs.Avnish Ahlawat, SC-
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Mrs.Tania Ahlawat, Ms.Palak
Rohmetra, Advs

versus

PAWAN CHAUHAN & ANR.

..... Respondents

Through: Mr.Farman Ali and Mr.Athar
Raza Farooquei for R-2/UOI.

(9) W.P.(C) 5844/2021 & CM APPL. 18306-07/2021

GOVT. OF NCT OF DELHI & ORS. Petitioners
Through Mrs.Avnish Ahlawat, SC-
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Mrs.Tania Ahlawat, Ms.Palak
Rohmetra, Advs

versus

CHADERDEV YADAV & ANR. Respondents
Through: Mr.Dev P Bhardwaj,CGSC
with Ms.Anubha Bhardwaj,
Adv for R-2/UOI.

(10) W.P.(C) 5845/2021 & CM APPL. 18308-09/2021

GOVT. OF NCT OF DELHI & ORS. Petitioners
Through Mrs.Avnish Ahlawat, SC-
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Mrs.Tania Ahlawat, Ms.Palak
Rohmetra, Advs

versus

DHARAMVEER & ORS. Respondents
Through: Mr.Dev P Bhardwaj,CGSC
with Ms.Anubha Bhardwaj,
Adv for R-2/UOI.

(11) W.P.(C) 5856/2021 & CM APPL. 18402-03/2021

GOVT. OF NCT OF DELHI & ORS. Petitioners

Through Mrs.Avnish Ahlawat, SC-
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Mrs.Tania Ahlawat, Ms.Palak
Rohmetra, Advs

versus

REKHA PANCHAL & ANR. Respondents
Through: Mr.Dev P Bhardwaj,CGSC
with Ms.Anubha Bhardwaj,
Adv for R-2/UOI.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (Oral)

The petition has been heard by way of video conferencing.

1. For the order that we propose to pass today, we did not see any necessity of issuing notice of these petitions to the private respondents.
2. These petitions have been filed by the petitioner challenging the Impugned Order dated 18.02.2020 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'learned CAT'), in a batch of petitions disposing of the said petitions, observing that in view of the Corrigendum dated 13.02.2020 issued by the petitioner herein to the effect that the relaxation of age limit provided in the Advertisement No(s). 02/2020; 03/2020; 04/2020 and 05/2020 shall also extend in favour of meritorious sportspersons in Group 'B' posts, the grievance of the

respondents herein stand redressed.

3. The petitioner further challenges the Impugned Order dated 02.03.2021 passed by the learned CAT dismissing the applications filed by the petitioner herein seeking review of the above order dated 18.02.2020 passed by the learned CAT.

4. The learned counsel for the petitioner submits that the Corrigendum dated 13.02.2020 issued by the petitioner was adversely commented upon by the Department of Personnel and Training ('DoPT') in its letter dated 17.02.2020 to be not in terms with the consolidated guidelines dated 03.10.2013 issued by DoPT OM No.14034/01/2013-Estt.(D) which restricts the benefit of age relaxation only in respect of posts in Group 'C'.

5. We have heard the learned counsel for the petitioner. The Impugned Order dated 18.02.2020 passed by the learned CAT reads as under:

“ In this batch of OAs, the grievance of the applicants is that the relaxation of age limits, provided for in the advertisement itself, is not being extended to them, on the ground that the posts, for which they applied, are in Group 'B' and that the relaxation is available only to Group 'C' and 'D' posts.

2. Today, it is brought to our notice by the learned counsel for applicants that the respondents issued Corrigendum dated 13.02.2020, to the effect that the relaxation in favour of meritorious sportspersons is applicable to Group 'B' posts also.

3. In that view of the matter, the grievance of the applicants stand redressed. The OAs are, accordingly, closed as infructuous.”

6. A reading of the above order would clearly show that the learned CAT has disposed of the petitions on the basis of the Corrigendum dated 13.02.2020 issued by the petitioner without making any comment on the validity thereof. This has, in fact, been clarified in the subsequent Impugned Order dated 02.03.2021 by the learned CAT, observing as under:

“3. It is not a case in which a batch of OAs was disposed of on merits or through a very detailed order. The issue was about the relaxation of age limit. During the pendency of the OAs, the respondents in the OA, i.e., the applicants in the RA issued a corrigendum dated 13.02.2020 extending the benefit of relaxation of age limit in respect of Group B posts also. Except that, it referred to the said corrigendum and closed the OAs as infructuous, the Tribunal did not make any observation on merits or any other related issues.

4. The basis for filing this batch of RAs is that the DoP&T as well as the Home Department of the Union of India are said to have taken exception to the corrigendum issued by the respondents, i.e. the Delhi Administration, extending the benefit of relaxation of age limit to Group B posts also. The emphasis was that the relaxation of age limit can be only in respect of Group D posts and in certain cases, to Group C, but not to Group B posts. That is purely in the realm of the administration and the Tribunal did not issue any directions in the OA. Further, the orders in the OAs were upheld by the Hon’ble High Court of Delhi.”

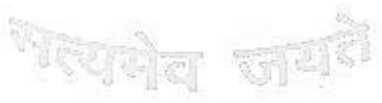
7. Whether the Corrigendum dated 13.02.2020 was valid and/or can be validly withdrawn by the petitioner was not a question before

the learned CAT in the petitions disposed of by it and therefore, was rightly not considered as a ground for entertaining the review petitions filed by the petitioner. The learned CAT had not restrained the petitioner herein to withdraw the Corrigendum dated 13.02.2020, if they were so inclined, and the petitioner is always at liberty to do so albeit subject to any challenge thereto.

8. In view of the above, we find no merit in the present petitions. The same are dismissed clarifying that we have not expressed any opinion on the validity of Corrigendum dated 13.02.2020 and/or the DoPT letter dated 17.02.2020 and/or any order that the petitioner may issue pursuant to DoPT letter dated 17.02.2020, which can be agitated by either party in accordance with law in appropriate proceedings.

9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.


NAVIN CHAWLA, J


MANMOHAN, J

JUNE 4, 2021/Arya/P