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

+ **W.P.(C) 3150/2022 & CM APPL.9167/2022**

AMIT PRAKASH POONIA

..... Petitioner

Through: Mr.Ajit Kakkar, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Abhishek Singh, Advocate.

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Date of Decision: 21st February, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVING CHAWLA

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petition has been filed seeking directions to the Respondents to issue call up letter to the Petitioner and grant him appointment in the Territorial Army along with seniority. In the alternative, the Petitioner seeks direction to the Respondents to grant appointment to the Petitioner subject to order dated 01st September, 2021 passed in W.P.(C) 9299/2021.

2. Learned counsel for the Petitioner states that the Petitioner applied in Territorial Army pursuant to the notification issued in May, 2019. Learned counsel further states that despite completion of petitioner's verification and approval of his selection for commissioning in the Territorial Army, he was not issued a Call Up Letter.



3. He states that the upon enquiry, the Petitioner was informed vide letter dated 28th September, 2021 that the Petitioner had not been issued a Call Up letter due to the order passed by this Court on 01st September, 2021 in W.P.(C) 9299/2021 according to which any new appointment has been made subject to further orders of this Court.

4. He states that the Respondents have misinterpreted the above-mentioned order passed by this Court. He also points out that W.P.(C) 9299/2021 had been filed by certain female candidates challenging the selection process in the Territorial Army (TA-2019). He emphasises that the said case has no bearing on the Petitioner's appointment since the Petitioner herein is a male candidate and shall be appointed against the vacancies for the male candidates.

5. He states that Petitioner's appointment had already been inordinately delayed owing to delay in conducting verification of his documents for no lapse on his part which has resulted in loss of seniority to the Petitioner as his counterparts have already been duly appointed and are serving in the Territorial Army.

6. Issue notice. Mr.Abhishek Singh, learned counsel for the respondents, accepts notice. He prays that this Court may clarify its own order dated 1st September, 2021.

7. Keeping in view the aforesaid, it is clarified that vide order dated 01st September 2021 passed in W.P.(C) 9299/2021 this Court had only directed that new appointments in the Territorial Army Commission- 2019 (TA-2019) shall be subject to the further orders of this Court. This Court has not granted any stay or placed an embargo on the appointments of the candidates *per se* and, therefore, the decision of the Respondents to withhold



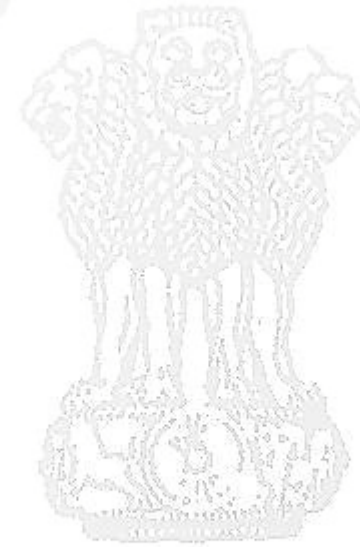
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the Petitioner's appointment by solely relying on the order dated 01st September 2021, passed by this Court in W.P.(C) 9299/2021 is untenable in law. Consequently, the respondents are directed to grant appointment, if any, to the petitioner subject to the order dated 1st September, 2021 in WP(C) 9299/2021. With the aforesaid clarification and direction, the present writ petition and application are disposed of.

MANMOHAN, J

NAVIN CHAWLA, J

FEBRUARY 21, 2022
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