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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 10.03.2022

+ W.P.(C) 4069/2022 & CM No.12107/2022

SHAKTI SINGH ARYA & ANR. Petitioners
Through Mr Arun Khatri, Advocate.

versus

UNION OF INDIA & ANR. Respondents
Through Ms Beenashaw N. Soni, Advocate.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER
HON'BLE MR JUSTICE JASMEET SINGH

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):**CM No.12108/2022**

1. Allowed, subject to just exceptions.

W.P.(C) 4069/2022 & CM No.12107/2022 *[Application filed on behalf of the petitioners seeking interim relief]*

2. This writ petition is directed against an interlocutory order dated 28.02.2022, passed by the Central Administrative Tribunal [in short “the Tribunal”] in OA No.2793/2021.

3. Issue notice.

3.1. Ms Beenashaw N. Soni accepts notice on behalf of the respondents/UOI.



4. In view of the directions that we propose to pass, according to us, no counter-affidavit is required.

5. Accordingly, with the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.

6. Mr Arun Khatri, who appears on behalf of the petitioners, says that the Tribunal declined the prayer made for interim relief, without setting out any reasons.

6.1. A perusal of the impugned order shows that the main matter [i.e., OA No.2793/2021] is listed before the concerned bench of the Tribunal on 30.03.2022.

6.2. We may indicate that the principal grievance of the petitioners is that cadre allocation is not being carried out, in terms of the reservation category in which the petitioners fall.

6.3. The petitioners, we are told, fall in the Economically Weaker Section (EWS) category.

7. Since the main matter is listed for hearing shortly, we have asked Mr Khatri as to what is the apprehension of the petitioners.

7.1. Mr Khatri says that the Tribunal has not even indicated in the impugned order that the cadre allocation, if made during the pendency of the OA, will be subject to the final outcome in the OA.

7.2. Ms Soni, who appears on behalf of the respondents, says the principle of *lis pendens* will apply, and if this court were to issue a direction to that effect, the respondents cannot have any objection.

8. Accordingly, the writ petition is disposed of with the direction that any steps taken hereafter by the respondents concerning cadre allocation, will be subject to the final outcome in the O.A. [i.e., OA No.2793/2021].



8.1. The impugned order of the Tribunal dated 28.02.2022 shall stand modified, to that extent.

9. Consequently, pending application shall stand closed.

RAJIV SHAKDHER, J

JASMEET SINGH, J

MARCH 10, 2022/rb

[Click here to check corrigendum, if any](#)