



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

% *Date of decision: December 12, 2023*

+ W.P.(C) 13319/2022

(8) GOVT. OF NCT OF DELHI & ORS. Petitioners
Through: Mrs. Avnish Ahlawat, Standing
Counsel, DSSSB with Mrs. Taniya
Ahlawat, Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik and Ms. Aliza
Alam, Advs.

Versus

AMIT RANA & ANR. Respondents
Through: Mr. Sachin Chauhan, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 56692/2023

This is an application filed by the applicant / respondent No.1 for early hearing of the petition.

For the reasons stated in the application and the issue which arises for consideration is a very short one, the application is allowed and the petition is taken up for hearing.

The application stands disposed of.

CM APPL. 40424/2022

Exemption allowed subject to all just exceptions.

Application stands disposed of.

**W.P.(C) 13319/2022**

1. The challenge in this petition is to an order dated April 25, 2019 in OA 922/2019 and order dated April 21, 2022 in RA 06/2021, passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal', for short). Though this petition has been filed primarily against three respondents, we have been informed, respondent Nos. 2 and 3 have been given appointment. Hence, the grievance primarily relates to respondent No.1.

2. The Tribunal has allowed the OA filed by the respondents herein by stating in paragraphs 2 and 3 as under:

"2. In the instant OA, the applicants had raised similar dispute in respect of question No. 135 in the same examination. The respondents have submitted their counter reply. However, this is not clarifying whether question No. 135 was also referred to body of experts.

3. Accordingly, we viewed it appropriate that same action as was taken in OA No. 580/2019 decided on 14.03.2019 be taken by the respondents in respect of Question No. 135 also within a time period of three weeks and take appropriate follow up action.

The OA is accordingly, disposed off with the same directions as were passed in OA 580/2019 and batch. The applicants shall have liberty to approach the Tribunal, in case some grievance still subsists."

3. It appears that the petitioners herein had approached this Court by way of a writ petition being **W.P.(C) 10210/2019, Govt. of NCT of Delhi and Ors. v. Amit Rana & Ors..** The said writ petition was disposed of, on November 20, 2020, on the basis of prayers made by the counsel for the petitioners for withdrawal of the writ petition and



approaching the Tribunal by way of a review petition seeking review of order dated April 25, 2019. The review petition being RA No. 06/2021 filed by the petitioners was dismissed by the Tribunal on April 21, 2022.

4. In substance, the petitioners are required to comply with/implement, the order by referring the question no. 135 to an expert for opinion. The question No.135 is reproduced as under for ready reference:-

“135. Which artery carries the supply of blood towards heart?”

- (A) Carotid artery
- (B) Coronary artery
- (C) Pulmonary artery
- (D) Radial artery”

5. We have been told that pursuant to the directions in OA 580/2019, wherein similar issue with regard to same question was decided by the Tribunal, the expert had reiterated the answer, i.e., the answer to question no. 135 is option (C) i.e., “Pulmonary artery”. Whereas, according to the respondents, it should be option (B).

6. We are of the view, *prima facie*, the conclusion drawn by the expert may not be correct. Appropriate shall be, in the facts of this case and so agreeable by Mr. N.K. Singh that they shall implement the order of the Tribunal by appointing an Expert Committee, (by the Chairman, DSSSB) and refer the question no. 135, for its opinion. Based on the opinion, the DSSSB shall take further action in accordance with law. The aforesaid exercise shall be carried out within 10 weeks from today as an outer limit.



7. With the above the petition stands disposed of.
8. The date of May 22, 2024 stands cancelled.

CM APPL. 40423/2022

Dismissed as infructuous.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

DECEMBER 12, 2023/jg