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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 126/2023 & CM APPL. 475/2023 -Stay.

UNION OF INDIA & ORS.

..... Petitioner

Through: Mr. Sushil Kumar Pandey, Adv.

versus

AJAY MOHAN JOSHI & ORS

..... Respondent

Through: Mr. Ankur Chibber, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

29.01.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 01.03.2021 passed by the learned Central Administrative Tribunal in O.A. No. 491/2021. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondents/applicants in the following terms:

“6. We, therefore, dispose of the OA directing the respondents to finalize the issue pertaining to the proposal for amendment of the recruitment rules for the post of Junior Engineer, by way of re-employment, within a period of two months from the date of receipt of a copy of this order. We make it clear that we do not express any view on merits of the matter.”

2. In support of the petition, learned counsel for the petitioners submits that the impugned order has been passed on a misrepresentation made by the respondents that a proposal to treat the two years' diploma in Civil Engineering from the Military Engineering College, Pune as a



qualification equivalent to a degree in Civil Engineering which was required in terms of Recruitment Rules of 2011 for re-employment, was pending consideration. He submits that no such proposal to treat the two years diploma as equivalent to a degree in Civil Engineering was ever mooted. He, therefore, contends that the impugned order is wholly perverse and is liable to be set aside.

3. On the other hand, learned counsel for the respondent supports the impugned order and submits that the learned Tribunal has not issued any directions for amending the Recruitment Rules in any particular manner. He submits that the learned Tribunal has merely directed the petitioner to finalise the proposal for amendment of the Recruitment Rules for the post of Junior Engineer by way of re-employment in a time bound manner.
4. Having perused the impugned order, the relevant extracts whereof has been noted hereinabove, we are inclined to agree with the respondent that the impugned order only directs the petitioner to take a final decision on the pending proposal for amendment of the Recruitment Rules for the post of Junior Engineer by way of re-employment. Once it has been left to the petitioners to examine as to whether the Rules are to be amended, and if yes, the manner in which the same are to be amended, we see no reason to interfere with the impugned order.
5. Accordingly, while dismissing the writ petition, we only clarify that the impugned order does not direct the petitioners to amend the Recruitment Rules for the post of Junior Engineer by way of re-employment in any particular manner. The petitioners are, therefore, directed to take a final decision on the pending proposal for



amendment of the aforesaid Recruitment Rules within a period of three months.

6. The writ petition alongwith pending application stands disposed of.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 29, 2024/al