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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2436/2024 & CM APPL. 9976/2024 -Stay.

UNION OF INDIA

..... Petitioner

Through: Mr. Vikrant N. Goyal with Mr.
Jaswant Rai Aggarwal, Ms. Satvika Goyal, Mr.
Vivek Nilesh Goyal, Ms. Nikita Goyal, Advs.

versus

Y S CHAUDHARY

..... Respondent

Through: Mr. R.V.Sinha with Mr. A.S.Singh,
Mr. Amit Sinha, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

21.03.2024

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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 21.12.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in Original Application No. (O.A.) 3353/2023. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondent/applicant and, has consequently, set aside the promotion panel dated 09.05.2023, which included the names of candidates who were to be promoted Principal Staff Officers (PSO) and has directed the petitioner to re-draw the panel by including the name of the respondent, who had completed three years of “approved service”, which it opined was akin to “regular service”.
2. Learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that the approved service could not be treated as being equivalent to “regular service”. Consequently, the respondent who had three years of “approved service” and not three years of



“regular service”, was not eligible for empanelment for promotion to the post of PSO.

3. When queried as to whether the term “regular service” in contradiction to “approved service” had been defined under the Recruitment Rules, he concedes that only the term “approved service” has been defined under the Rules. In the light of this position, when the Rules itself envisage “approved service” as being “regular service”, we fail to appreciate as how the respondent, who was holding three years of “approved service” was treated as ineligible for promotion to the post of PSO. We, therefore, find no reason to interfere with the impugned order.
4. At this stage, learned counsel for the petitioner submits that now that the respondent has already superannuated, no useful purpose would be served by cancelling the promotion panel as has been directed under the impugned order. He, therefore, prays that the said direction to withdraw promotion panel be modified by directing that the respondent be considered for promotion from the due date and be granted all consequential benefits as granted to persons junior to him in the said promotion panel.
5. In our considered opinion, this suggestion made by the learned counsel for the petitioner is fair and just. Learned counsel for the respondent has no objection to this limited request. We, accordingly, dispose of the writ petition by modifying the impugned order to the aforesaid extent by directing the petitioner to consider the respondent for promotion to the post of PSO by treating him as being eligible on the cut off date and grant him all consequential benefits as have been



granted to his juniors who were placed in the promotion panel dated 09.05.2023. The consequential benefits in terms of this order will be granted within 12 weeks from today.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 21, 2024/al