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

+ **W.P.(C) 2638/2024**

DG ALL INDIA RADIO AND ORS

..... Petitioners

Through: **Mr. S.M.Arif, Mr. S.M.aatif, Mr.
Shabnam Perween, Advocates.**

versus

RAJ SINGH

..... Respondent

Through: **Mr. M.K.Bhardwaj, Ms. Priyanka M.
Bhardwaj and Mr. Arun Prakash,
Advocates.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

22.02.2024

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CM APPL. 10871/2024 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 2638/2024 and CM APPL. 10870/2024 -Stay.

3. The present writ petition under Article 226 and 227 of the Constitution of India seeks to assail the order dated 05.12.2022 passed by the learned Central Administrative Tribunal passed in O.A.4031/2016. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondent by directing the petitioners to consider his case qua regularization of service, if he otherwise fulfils the three criteria enumerated in the decision of the Apex Court in *Secretary, State of Karnataka Vs. Uma Devi & Ors. (2006) 4 SCC 1*.
4. Learned counsel for the petitioners submits that the impugned order is



wholly perverse as the learned Tribunal has failed to appreciate that the respondent does not fulfill the criteria as set down in the decision of the Apex Court in *Uma Devi (Supra)*, and therefore is not entitled for regularization.

5. Upon a perusal of the impugned order, we find that the learned Tribunal has merely directed the petitioners to take a considered decision with respect to regularization of the respondent's service after examining his eligibility as per the decision of the Apex Court in *Uma Devi (Supra)*. We, therefore, see no reason to interfere with the impugned order which merely directs the petitioners to consider the respondent's representation as per law including the decision *Uma Devi (Supra)*. It is, however, made clear that this Court has not expressed any opinion as to whether the respondent is fulfilling the eligibility criteria or not, which aspects will be considered in the appropriate proceedings if need so arises.

6. The writ petition is accordingly dismissed with the aforesaid clarification.

7. The petitioner, as prayed for, is granted four weeks time to implement the impugned order.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 22, 2024/ib