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

+ **W.P.(C) 3202/2024**

VIJENDER PAL

..... Petitioner

Through: **Mr. A.K.Singh, Ms. Reeta and Ms. Vaishali, Advocates.**

versus

UNION OF INDIA

..... Respondent

Through: **Mr. Vardhman Kaushik, Sr. Panel Counsel with Mr. Puneesh G.P and Mr. Dhruv Joshi, Advocates. Mr. Jagdish Chandra Solanki and Mr. Chetan Tripathi, Advocates.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **04.03.2024**

CM APPL. 13156/2024 -Ex.

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

CM APPL. 13157/2024 -Stay.

3. Disposed of as not pressed.

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4. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 05.10.2023 passed by the learned Administrative Tribunal in O.A.4316/2015.
5. Learned counsel for the petitioner submits that the impugned order is wholly perverse and is liable to be set aside as the learned Tribunal has failed to consider any of the grounds raised by the petitioner and has



proceeded to dismiss the O.A. on the presumption.

6. Issue notice. Mr. Vardhman Kaushik accepts notice on behalf of the respondent and fairly submits that the grounds raised by the petitioner have not been considered under the impugned order.

7. Having perused the impugned order dated 05.10.2023, we find that the learned Tribunal has proceeded on an erroneous basis that since the petitioner had applied for selection to the post of Head Supervisor (Group C) in the general category despite being an SC candidate, he would not be entitled to any age relaxation under the SC category.

8. Learned counsel for the respondent is also not in a position to deny that despite applying for the aforesaid post in the general category, the petitioner by virtue of his being a SC candidate, would be entitled to the permissible age relaxation.

9. In the light of the aforesaid, we have no other option but to set aside the impugned order and remand the matter back to the learned Tribunal for fresh adjudication of the O.A. The writ petition is accordingly allowed by setting aside the impugned order dated 05.10.2023 and remanding the matter back to the learned Tribunal for fresh adjudication of the O.A on merits.

10. List before the Registrar, Central Administrative Tribunal for further proceedings as per law on 27.03.2024.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 4, 2024/ib