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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3862/2024

NANDKISHOR SUBHASH DHEKANE AND ORS Petitioner

Through: Mr. Manish Kumar & Ms. Gunjan
Sharma, Advs.

versus

UNION OF INDIA AND ANR Respondent

Through: Mr. Vineet Dhanda, CGSC with Ms.
Archana Surve, G.P., Ms. Gurleen Kaur, Mr.
Archit Aggarwal, Advs. for R-1/UOI.
Mr. A.K.Poddar, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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15.03.2024

CM APPL. 15904/2024 -Ex.

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

W.P.(C) 3862/2024 & CM APPL. 15903/2024 -Int. Dir.

3. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 01.12.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. 3702/2023. Vide the impugned order, the learned Tribunal has dismissed the original application filed by the petitioners/applicants by holding that the Court could not interfere with the administrative exercise initiated by the respondents to frame recruitment rules for a post.



4. Having heard learned counsel for the petitioners, we find absolutely no reason to differ with this view taken by the learned Tribunal. At this stage, learned counsel for the petitioners submits that the petitioners had made an alternative prayer before the Tribunal seeking a direction to the respondents to regularize the petitioners on the posts on which they have been working for the last 18 years, which prayer has not been considered by the learned Tribunal, while disposing off the O.A. Upon a perusal of the impugned order, we are inclined to agree with the learned counsel for the petitioners in this regard. Learned counsel for the respondent who appears on advance notice also does not dispute this position.
5. Accordingly, while rejecting the petitioners' challenge to the findings given by the learned Tribunal in the impugned order, we set aside the impugned order only to the extent that it does not consider prayer (ii) sought in the O.A. Consequently, the writ petition is, accordingly, disposed of by remanding the matter back to the learned Tribunal for adjudication of the petitioners' prayer (ii) made in the O.A.
6. List before the learned Registrar of the learned Tribunal on 22.03.2024 for further proceedings.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 15, 2024/al