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

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+ W.P.(C) 8152/2023 AND CM APPL. 31292/2023
EX SUB SANJAY KUMAR SINGH & ORS. Petitioners

Through: Mr. Sorabh Dahiya and Ms.
Khushboo Aggarwal, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Ms. Bharathi Raju, Sr. Panel Counsel
for UOI.

43.

+ W.P.(C) 9443/2023 AND CM APPL. 36049/2023
EX SUB MAJ BHUPAL SINGH KANYAL & ORS. Petitioners

Through: Mr. Sorabh Dahiya and Ms.
Khushboo Aggarwal, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Ms. Arunima Dwivedi, CGSC with
Ms. Pinky Pawar and Mr. Aakash
Pathak, Advocates for UOI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

30.01.2024

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1. The present writ petitions under Articles 226 and 227 of the Constitution of India seek to assail the order dated 15.12.2022 passed by the learned Central Administrative Tribunal in O.A. No. 2801/2019. Vide the impugned order, the learned Tribunal has rejected the original application preferred by the petitioners.

2. Learned counsel for the petitioners submits that the petitioners



having joined the services in Military Engineering Service (MES) as Junior Engineers on the strength of a two year diploma from College of Military Engineering, Pune, the said qualification ought to be treated as a valid qualification for re-employment on the same post.

3. After some arguments, he submits that now that the respondents have, vide order dated 29.01.2024 passed in W. P (C) 126/2023, been directed to take a considered decision on the pending proposal for amendment to the recruitment rules, he may be granted leave to withdraw the present petitions with the liberty to challenge the recruitment rules once the same are amended. Learned counsel for respondents has no objection to this limited request.

4. In the light of the aforesaid stand taken by the parties, the present petitions alongwith all pending applications are dismissed as withdrawn with the liberty as prayed for.

5. It is, however, made clear that merely because the petitioners are being granted liberty to challenge the amended recruitment rules as and when notified, the same would not tantamount to an expression of any opinion by this Court on the merits of the rival claims of the parties.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 30, 2024/_p