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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6802/2024
DELHI SUBORDINATE SERVICES SELECTION BOARD
(DSSSB) AND ANR Petitioner
Through: Ms.Supriya Malik, Adv.

versus

AMIT KUMAR AND ORS. Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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13.05.2024

CM APPL. 28314/2024 -Ex.

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

W.P.(C) 6802/2024 & CM APPL. 28313/2024 -Stay.

3. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 21.03.2023 passed in O.A.1497/2017.
4. Vide the impugned order, the learned Tribunal has allowed the O.A. filed by the respondents/applicants by relying on its decision in O.A.3961/2016 and O.A.1533/2017.
5. From a perusal of the impugned order, we find that the learned Tribunal has allowed the O.A. filed by the respondents by taking on record the statement made by the petitioners' counsel that she had no objection to the O.A. being allowed in terms of the orders passed in O.A.3961/2016 and O.A.1533/2017. It would, therefore, be apposite



to refer to paras 12 & 15 of the impugned order, wherein the stand of the petitioners' counsel has been recorded. The same read as under:-

*“12. Though counter reply has been filed in response to the notices from the Tribunal in the aforesaid OAs and claims of the applicants have been opposed, however, at the outset, Ms. Sumedha Sharma, learned counsel appearing on behalf of the respondents in O.A. No. 1553/2017 has admitted that the issue involved in the present case stands decided in the case of **Pushpa Devi** (supra) and **Jagdeep** (supra) and if the instant OA is also decided in the same terms, the respondents are having no objection.*

*15. Further in counter reply to the O.A. No. 1497/2017, the respondents have very categorically in Para 8 have asserted that “because Sh. Amit Kumar and Ors. are on the same footing as the applicants of the above said O.A. No. 4572/2014 and WP(C) No. 3460 and other OAs discussed in the said order”. Further, similarly in reply to the captioned O.A. No. 3961/2016, the respondents have categorically asserted in para 4.1 of their counter reply that “Ms. Pushpa Devi had filed the CP with a prayer to punish the respondent-contemnors for their not having complied with the Tribunal’s orders dated 18.01.2016 in O.A. No. 203/2015, with similar issues as that of the applicant Manoj Kumar Ruhela”. Further in the reply to the captioned O.A. No. 3961/2016 and from the aforesaid, it is evident that it has been the stand of the parties to the captioned OAs that the issue involved in the present OAs are identical to that in the case of **Pushpa Devi** (supra) and such issue had already been decided by this Tribunal and further by the Hon’ble High Court of Delhi and such decisions have been affirmed by the Hon’ble Apex Court, as recorded hereinabove.”*

6. In the light of the aforesaid, once it was the petitioners' own stand before the learned Tribunal that the case of the respondents was covered by the decisions in O.A.3961/2016 and O.A.1533/2017, we fail to appreciate as to how the petitioners can now contend that the



facts of the present case are different from the facts in O.A.3961/2016 and O.A.1533/2017. Even otherwise, learned counsel for the petitioners has not been able to point out any infirmity in the findings arrived at by the learned Tribunal. We, therefore, find no reason to interfere with the impugned order.

7. The petition is, accordingly, dismissed in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 13, 2024

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