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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 10.01.2024***

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W.P.(C) 9253/2019 AND CM APPL. 38152/2019**UNION OF INDIA AND ANR.****..... Petitioners**

Through: Mr. Ravi Prakash , CGSC, Mr. Farman Ali, Ms. Usha Jamnal, Ms. Taha Yasin, Mr. Yasharth Shukla, Ms. Astu Khandelwal and Mr. Ayushman Kishore, Advocates.

versus**DEEPAK GOYAL AND ORS.****..... Respondents****Through:****CORAM:****HON'BLE MS. JUSTICE REKHA PALLI****HON'BLE MR. JUSTICE RAJNISH BHATNAGAR****REKHA PALLI, J (ORAL)**

1. The present writ petition filed under Articles 226/227 of the Constitution of India seeks to assail the order dated 16.12.2016 passed by the learned Central Administrative Tribunal in O.A. No. 3052/2015. Vide the impugned order, the learned Tribunal has allowed the OA preferred by the respondent by relying on the order dated 16.09.2016 passed in OA No. 2883/2015 and O.A. 2891/2015.
2. None appears for the respondents. The same has been the position for the last many dates. It appears that the respondents are no longer interested in pursuing the petition. The writ petition pertains to



the year 2019 and is, therefore, taken up for disposal today itself without granting any further opportunity to the respondents.

3. Learned counsel for the petitioners submits that order dated 16.09.2016 passed in the aforesaid OAs already stands set aside by this Court vide its order dated 01.07.2019 passed in W.P.(C) 1738/2017 and W.P.(C) 4711/2017. The said order was unsuccessfully challenged by the respondents therein before the Hon'ble Apex Court by way of SLP No. 29186/19 which came to be rejected on 14.01.2020. He, therefore, contends that once the order relying on which the learned Tribunal had issued the impugned directions has in itself been set aside, the impugned order is also liable to be set aside.

4. In order to appreciate the aforesaid submission of the learned counsel for the petitioner, it would be apposite to note the relevant extracts of the impugned order which read as under:-

"8. However, in O.A. No. 2883/2015 & O.A. No. 2891/2015 as observed in para 3 of the order dated 16.09.2016, the applicants therein were permitted to appear in the examination with the condition that their result shall be kept in a sealed cover. Though, in the present O.A. also, an interim direction to the Head of Department/Controlling Officer to forward the applications of the applicants to the UPSC was granted on 21.08.2015, it is not forth coming from the counter, whether the applicants herein participated in the examination or not. 9. In these circumstances, and in view of the above, The OA is allowed in terms of order dated 16.09.2016 passed in OAs No. 2883/2015 and OA No. 2891/2015, subject to the observation made in para 8 of above. No costs."

5. From a bare perusal of the aforesaid directions, it is evident that the learned counsel for the petitioner is correct in urging that the impugned order has been passed only on the basis of the directions



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issued in O.A. No. 2883/2015 and O.A. 2891/2015. We have also perused the judgment dated 01.07.2019 passed in W.P.(C) 1738/2017 and W.P.(C) 4711/2017 and find that the learned Tribunal's order dated 16.09.2016, passed in O.A. No. 2883/2015 and O.A. 2891/2015 already stands set aside.

6. In the light of the aforesaid, once the order premised on which the impugned directions were issued, has in itself been set aside, the present petition has to necessarily succeed. The writ petition is accordingly allowed by setting aside the impugned order dated 16.12.2016 passed by the learned Tribunal.

(REKHA PALLI)
JUDGE

(RAJNISH BHATNAGAR)
JUDGE

JANUARY 10, 2024

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