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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 15738/2023

UNION OF INDIA AND ORS

..... Petitioner

Through: Ms. Manisha Agrawal Narain, CGSC
with Mr. Sandeep Singh Somaria, Ms. Shivangi
Gumber, Ms. Khushi Mangla, Advs.

versus

PANKAJ KUMAR AND ORS

..... Respondent

Through: Mr. Rizwan, Ms. Nistha Singha,
Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

11.01.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 29.03.2023 passed by the Central Administrative Tribunal in OA No. 926/2021. Vide the impugned order, the learned Tribunal has allowed the OA filed by the respondents by directing the petitioner to evolve a system and consider the respondents/applicants for regularisation of service within a period of three months.
2. Learned counsel for the petitioner submits that taking into account that the respondents had been working as contractual employees for only about six years, no direction could have been issued by the learned Tribunal to consider their cases for regularisation of service.
3. Learned counsel for the respondents who appears on advance notice fairly submits that the respondents had neither sought regularisation of service before the learned Tribunal nor are they even today seeking regularisation of service. He submits that all the respondents have



already participated in the selection process initiated by the petitioner in April 2021 and are only seeking age relaxation and bonus marks for the period they have rendered contractual service.

4. Having considered the submissions of learned counsel for the parties, we are inclined to accept the petitioner's plea that this was not a fit case, where the learned Tribunal ought to have directed the petitioner to frame a scheme for regularisation of the respondents. In any event, now when the respondents are themselves before this Court and have taken a categorical stand that they are not seeking regularisation, the directions issued in the impugned order to the extent, it directs the petitioner to evolve a system for regularisation of the respondents is required to be set aside.
5. The writ petition is, accordingly, allowed by setting aside the directions under the impugned order to regularise the respondents. This would, however, not affect the other findings given in the impugned order which are already subject matter of W.P.(C) 9169/2023, W.P.(C) 15286/2023 & W.P.(C) 7869/2007, wherein this Court is considering the respondents' prayer for grant of age relaxation and bonus marks to them.

REKHA PALLI, J

SACHIN DATTA, J

JANUARY 11, 2024/al