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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 16062/2023 & CM APPL. 64635/2023 -Stay.

GOVERNMENT OF NCT OF DELHI AND ORS Petitioner

Through: Ms.Avnish Ahlawat, S.C. with Mr.
Nitesh Kumar Singh, Ms. Laavanya Kaushik,
Advs.

versus

MS JULIE

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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10.01.2024

1. The present petition under Articles 226 & 227 of the Constitution of India assails the order dated 30.01.2023 passed by the learned Central Administrative Tribunal in O.A.No.805/2018.
2. Vide the impugned order, the learned Tribunal has allowed the O.A. preferred by the respondent in the following terms:-

*“8. With the above observation, the OA stands allowed with a direction to the respondents to consider the case of the applicant for appointment in preference to freshers, juniors and outsiders, as a one-time relaxation, in terms of the decision in **State of Punjab vs. Jagjit Singh** (supra), based upon **Uma Devi Vs. Union of India** (supra).”*

3. Learned counsel for the petitioner submits that the learned Tribunal has gravely erred in passing the impugned order as it has failed to appreciate that the respondent was engaged through an outsourcing



agency namely, M/s Intelligent Communication System India Ltd. (ICSIL), who had recommended the name of the respondent to the petitioner for engagement on a contractual basis from time to time. She, therefore, contends that the petitioner could not be directed any service benefits to the respondent and therefore prays that the impugned order be set aside.

4. Having considered the submissions of the learned counsel for the petitioner and pursued the record, we find that the learned Tribunal has already taken care of this aspect of the matter. Consequently the learned Tribunal has only directed that the respondent will be granted preference to freshers, juniors, outsiders along with one time relaxation in the age criteria. The learned Tribunal has however not issued any direction to the petitioner to either re-engage the respondent, or to employ her on a permanent basis.
5. We, therefore, do not find any reason to interfere with the impugned order. It is, however, clarified that the impugned order will not place any onus on the petitioner to re-engage the respondent and the only obligation of the petitioner would be to give preference to the respondent, in case, she applies to the outsourcing agency for being appointed on a contractual basis by the petitioner.
6. The petition is, accordingly, disposed of with the aforesaid clarification.

REKHA PALLI, J

JANUARY 10, 2024/sr

RAJNISH BHATNAGAR, J