



2024:DHC:7269-DB



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

% **Decision delivered on: 19.09.2024**

+ **W.P.(C) 13107/2024**

OM PRAKASH & ORS.

.....Petitioners

Through: Mr. Bimlesh Kumar Singh,
Advocate

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Nitinja Chaudhary, Senior
Panel Counsel with Mr. Rahul
Sharma, GP and Mr. Rahul
Mongya, Advocate for R1 to 3
Mr. Ravinder Agarwal and Mr.
Lekh Raj Singh, Advocate for R4
(UPSC)

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

J U D G M E N T (O R A L)

CM APPL. 54773/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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W.P.(C) 13107/2024 & CM APPL. 54772/2024

3. By way of the present writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioners have sought the following reliefs:

“(a) issue writ, order(s) or direction(s) in the nature of certiorari, or any other appropriate writ, order or direction to quash and set aside the impugned order dated 28.08.2024, in O.A. No. 3312/2024, passed by Hon’ble Central Administrative Tribunal (PB), New Delhi.

(b) issue writ, order(s) or direction(s) in the nature of certiorari, or any other appropriate writ, order or direction to quash and set aside the impugned Seniority List vide O.M. F. No. A-24021/01/2021-CLS.I dated 18.01.2022, issued by Respondent No.1 and also quash / set aside the subsequent O.M. F. No. A-22012/03/2024-CLS.I, dated 27.08.2024 issued pursuant to DPC dated 14.08.2024.

(c) Issue writ, order(s) or direction(s) in the nature of mandamus or any other appropriate writ, order or direction to the respondent(s) to re-caste a fresh Seniority List considering the respective date of appointment of the officer(s) in the CLS cadre, in terms of the law and guidelines of the Hon’ble Supreme court in the case of K. Meghachandra Singh & Ors. Vs. Ningam Siro & Ors. (2020) 5 SCC 689 and O.M. No. 20011/2/2019-Estt.(D) dated 13.08.2021 of the Ministry of Personnel, Public Grievances and Pension and to hold DPC thereof..”

4. The petitioners have challenged the seniority list prepared by the respondents on 18.01.2022 which, as per the petitioners is wrong and illegal.

5. Learned counsel for the petitioners submits that the system which had been devised by the department while preparing the seniority list has resulted in discriminatory treatment to the promotees like the petitioners,



in as much as the petitioners who had rendered much longer service in the cadre were put in seniority below the Direct Recruits (DR) with much shorter service. It is further submitted that from the perusal of the seniority list table, it is crystal clear that the name of the petitioners has been placed much below the Direct Recruits. As a result of the above the said seniority list published in year 2017, the petitioners were eligible for promotion in STS grade after completion of 4 years in regular service in JTS grade. But in spite of eligibility, they have not been considered for promotion against the vacancy created in the year 2017.

6. Learned counsel for petitioners filed an ad-interim application to stay the said seniority list and the learned Tribunal vide impugned order dated 28.08.2024 observed that the DPC has already taken place on 14.08.2024 and the petitioners placed on record an OM dated 27.08.2024 whereby the preference of station has been sought from the officers who have been recommended by the DPC.

7. It is not in dispute that the respondents are in the process of extending offer of appointment and give placement of station to the officers who have been recommended by the said DPC.

8. Accordingly, the learned Tribunal observed that the only interim relief that can be extended to the petitioners is that any promotion in pursuance of the recommendations of the DPC dated 14.08.2024 shall be subject to the outcome of the final decision of the O.A.



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9. It is not in dispute that the O.A. filed by the petitioners is pending for adjudication before the learned Tribunal and Tribunal has already directed the respondents that the promotion to the said DPC dated 14.08.2024 shall be subject to the outcome of the final decision of the O.A. filed by the petitioners.

10. In view of the above, we find no illegality or perversity in the order passed by the learned Tribunal.

11. Accordingly, finding no merit in present petition, the same is hereby dismissed. Pending applications also stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

SEPTEMBER 19, 2024/as