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

+ W.P.(C) 6271/2024, CM APPL. 26109/2024-Stay, CM APPL. 26110/2024- Exp.

DELHI TRANSPORT CORPORATION (DTC) & ANR.

..... Petitioners

Through: Mr. A.Saxena, Adv

versus

BASANT KUMAR & ORS.

..... Respondents

Through: Mr. Sudhir Nagar, Mr. Arun Kr. Nagar and Mr. Piyush Aggarwal, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
03.05.2024

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1. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 22.03.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 130/2023. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondents and has consequently directed the petitioner to appoint them to the post of Legal Assistant for which they were initially selected but were not appointed due to the subsequent cancellation of the offer of appointment. The learned Tribunal has further directed that the respondents be granted notional seniority and pay fixation with effect from 29.04.2022, i.e., the date on which the initial offer of appointment was



made.

2. The sole grievance of the learned counsel for the petitioners is that this was not a fit case where the learned Tribunal ought to have granted notional seniority and pay fixation with effect from 29.04.2022.

3. Issue notice. Mr. Sudhir Nagar, accepts notice on behalf of respondents and fairly submits that taking into account that no candidate was appointed to the post of Legal Assistant in the petitioner corporation in 2022, the respondents would have no objection if their service is reckoned only with effect from 12.06.2023, i.e., the date when the fresh offer of appointment was issued to them.

4. We appreciate the fair stand taken by the learned counsel for the respondents and accordingly modify the impugned order by directing that the respondents would be entitled to all service benefits including seniority only with effect from 12.06.2023 i.e., the date when the fresh offer of appointment was issued.

5. The writ petition, alongwith all pending applications, is disposed of in the aforesaid terms

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 3, 2024/rr