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

+ **W.P.(C) 15331/2024**

PREM DAS & ORS.

.....Petitioners

Through: Ms. Pallavi Awasthi and Mr. Ayush Jain, Advocates.

versus

**DISTRICT AND SESSIONS JUDGE, DELHI
& ORS.**

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel with Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Mohnish Sehrawat and Mr. Amitoj Chadha, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.10.2024

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CM APPL. 64317/2024

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

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3. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India assailing the communication dated 05.07.2024 issued by the Respondents along with recommendations of the Seniority Committee meeting held on 24.02.2024, with respect to non-grant of consequential financial/monetary benefits to the Petitioners, despite having accorded the benefit of seniority at par with the 2009 batchmates.
4. Factual matrix to the extent relevant is that Petitioners applied and were selected for the post of Lower Division Clerk ('LDC') with Respondent No.1, pursuant to an advertisement issued in December, 2009. As joining letters were not being issued, Petitioners after making



representations, filed a writ petition in this Court being ***W.P.(C). 5390/2010***, titled ***Deepak Kumar and Ors. v. District and Sessions Judge, Delhi and Ors.***, which was allowed vide judgment dated 12.09.2012, directing the Respondents to ensure that Petitioners' cases for appointment to the post of LDC are processed within six weeks from the date of the judgment. Pursuant thereto, Petitioners were appointed in 2014 which resulted in their becoming juniors compared to other selected candidates of 2009 Batch.

5. It is averred that on 19.09.2019, Respondent No.1 issued a tentative revised *inter se* seniority list of Junior Judicial Assistants, 2009 Batch, inviting objections. Petitioners filed their objections on 26.09.2019 and sought re-fixation of their seniority, which were rejected. Not getting any redressal from the Respondent, Petitioners filed W.P.(C) 9321/2023 in this Court, which was disposed of vide order dated 14.07.2023, directing the Petitioners to make a detailed representation to the Respondents, with a further direction to Respondent No.2 therein to pass a detailed and reasoned order on the representation. Pursuant to the representation made, the Seniority Committee in its meeting dated 24.02.2024 deliberated on the issue of seniority and has taken decision to give seniority to the Petitioners as per their position in the merit list in the examination. However, financial/monetary benefits have been denied and this decision was communicated to the Petitioners vide letter dated 05.07.2024. It is this decision, which has triggered the filing of the present writ petition.

6. Before entering into the merits of the case, learned counsel for the Petitioners points out and rightly so that the Seniority Committee has not given any reason for denial of financial/monetary benefits to the Petitioners. Decision of the Committee is extracted in the impugned communication and



reflects that while granting benefit of seniority to the Petitioners, based on their merit position in the examination, they have been deprived of the monetary benefits. It needs no reiteration that it is incumbent on the authority taking a decision to indicate the reason(s) which has weighed with the authority concerned to reject the claims of an employee. In the absence of any reasoning, neither the Petitioners nor this Court is unable to discern the correctness and validity of the decision.

7. Therefore, without entering into the merits of the case, at this stage, this writ petition is disposed of directing Respondent No.1 to pass a fresh reasoned and speaking order indicating the factors and the position of law that weighed with the Screening Committee to deny the financial/monetary benefits to the Petitioners, while granting benefit of seniority to them. Considering that this is a second round of litigation, the order shall be passed within four weeks from the date of receipt of this order and communicated to the Petitioners within one week thereafter. As sought, Minutes of the Meeting held on 24.02.2024 shall be furnished to the Petitioners along with the speaking order.

8. Writ petition is disposed of in the aforesaid terms with liberty to the Petitioners to approach this Court, in case of any surviving grievance.

JYOTI SINGH, J

OCTOBER 29, 2024/shivam/jg