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

+ W.P.(C) 315/2018

UNION OF INDIA & ORS.

..... Petitioners

Through: Ms. Arunima Dwivedi, CGSC with
Mr. Aakash Pathak, Adv.

versus

DINESH KUMAR ARORA & ORS.

..... Respondents

Through: Mr A. K. Trivedi, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

24.05.2024

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1. On the last date, the matter was adjourned to enable the learned counsel for the petitioners to obtain instructions as to whether the decision of the Full Bench of the Tribunal in OA 1288/2014 titled as *Smt. Manju Vashyishta and Ors. v. UOI* based on which the impugned order has been passed, had attained finality.

2. Today, she concedes that the said decision had attained finality as the petitioners' Special Leave Petition being SLP(C) bearing no. 31921/2018 stands dismissed by the Apex Court on 17.08.2021. She further submits that even though the petitioners' challenge to a similar order passed on the basis of the decision in *Smt. Manju Vashishta (supra)* also stands rejected by way of SLP(C)19850/2019 titled *Union of India & Ors. vs Gopal Krishna & Ors.*, on both the occasions, the Apex Court had clarified that the question



of law was being left open. She, therefore, prays that irrespective of the Apex Court's decision in *Smt. Manju Vashishta (supra)*, the present petition be heard on merits.

3. In the light of the aforesaid submissions, once two successive petitions have been rejected by the Apex Court on the same issue, we find no reason to interfere with the impugned order.

4. Needless to state that as directed by the apex Court the question of law will remain open and therefore in a matter where the O.A. has not been decided on the basis of *Smt. Manju Vashishta (supra)*, the Tribunal will consider the factual matrix before passing an order in the OA.

5. The writ petition is accordingly dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 24, 2024/rr