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

+ **W.P.(C) 9641/2017**

MANOJ VERMA AND ANR.

..... Petitioners

Through: Mr. Anil Hooda alongwith Mr. Ajay
Sharma and Mr. Sunny Chauhan,
Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC
with Mr. Ravi Prakash, Joint
Commissioner, Cadre Control
Authority, Delhi Zone.
Mr. Praveen Kumar and Mr. V. Mani
Tripathi, Advocates for R-1 to 4

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

06.05.2024

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1. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 10.08.2017 passed by the learned Central Administrative Tribunal (the learned Tribunal) in O.A. No. 3587/2024. Vide the impugned order, the learned Tribunal has dismissed the original application filed by the petitioners wherein they had prayed that consequent to their selection and appointment as Central Excise Inspector, they be allocated the Delhi Zone, in which Zone the State of Haryana falls.
2. By drawing our attention to the advertisement issued by the Staff Selection Commission (SSC), learned counsel for the petitioners submits that the petitioners had opted for the State of Haryana as it was indicated/



shown to be falling in 'U' Zone in the said advertisement, whereas, it has later emerged that the State of Haryana falls within the 'F' Zone. He, therefore, prays that the petitioners, who were even otherwise, meritorious and falling within the merit position for allocation in the Delhi Zone, ought to be granted suitable posting in the said Zone. In support of his plea, he seeks to place reliance upon a decision dated 18.04.2022 of a Co-ordinate Bench of the learned Tribunal passed in O.A. No. 3797/2014 titled ***Sh. Jatin Nagpal & Anrs. Vs. UOI.***

3. On the other hand, Mr. Shukla, learned counsel for the respondents seeks to support the impugned order by contending that the respondents cannot be bound by a mistake, if any, made by the SSC; since the present respondents do not have any role to play in the issuance of the advertisement, they cannot be blamed for this mistake. He further submits that the petitioners having themselves filled their choice for the 'U' Zone, they have been rightly allotted the said Zone by the respondents. However, on a pointed query from this Court, Mr. Shukla was not in a position to dispute that the State of Haryana falls within the 'F' Zone and not in the 'U' Zone, as wrongly indicated/ shown in the advertisement.

4. Having considered the submissions of the learned counsel for the parties as also after perusing the record and the decision of the learned Tribunal in ***Sh. Jatin Nagpal (supra)***, we are of the considered view that the petitioners cannot be deprived of posting to the Delhi Zone i.e. the 'F' Zone where the State of Haryana falls for the mistake made by the SSC. Strictly speaking, had the State of Haryana been shown in the 'F' Zone, the petitioners would have surely opted for the 'F' Zone and the 'U' Zone to which they were posted by the respondents would never have been in



consideration at all.

5. Furthermore, we have been informed that even today vacancies of the Central Excise Inspector in the 'F' Zone are available to accommodate the petitioners. Therefore, in view of the overall circumstances as noted hereinabove, we find that the petitioners, who are meritorious candidates on the basis of their performance in the selection process, are very much entitled to be allocated the Zone of their choice. Furthermore, it is not even denied by the learned counsel for the respondents that the petitioners had opted for the State of Haryana. We are, thus, of the view that the present petition deserves to be allowed by directing the respondents to allocate the petitioners suitable posting within the available vacancies in the Delhi Zone i.e. 'F' Zone wherein the State of Haryana falls, within a period of four weeks.

6. As the petitioners have been working in the 'U' Zone, i.e. the Chandigarh Zone, since the date of their appointment, therefore, while setting aside the impugned order and allowing the writ petition in the aforesaid terms, we direct that the petitioners shall also be entitled to all the notional benefits and seniority after being transferred to the Delhi Zone from the date of their initial appointment.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 6, 2024/akr