



2025:DHC:5926-DB



\$~5

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

Date of decision: 23.07.2025

+ W.P.(C) 14306/2023

UNION OF INDIA

.....Petitioner

Through: Mr. Mukul Singh, CGSC with
Ms. Ira Singh & Mr. Aryan
Dhaka, Advs.

versus

SATHYAN PILLAI

.....Respondent

Through: Mr. Anil Kr. Gulati & Mr. Nur
Tandon along with respondent
in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 43844/2025 (Delay)

1. For the reasons stated in the application, the delay of 54 days in filing the petition is condoned.
2. This application stands disposed of.

W.P.(C) 14306/2023

3. This petition has been filed by the petitioner challenging the Order dated 20.03.2023 passed by the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as 'Tribunal') in OA No. 2489 of 2015, titled ***Sathyan Pillai v. Union of India***, allowing the said OA filed by the respondent herein in the following terms:

“Thus, we are of the considered view that there is a merit in the case of the applicant and that he is entitled to be considered by the



2025:DHC:5926-DB



respondents for proforma promotion from the date his immediate junior Mr. Anil Chopra has been promoted for the benefit w.e.f. 2005 in the grade of Under Secretary/Deputy Director in RBSS. We hereby direct that the applicant is entitled for notional promotion from the date his junior Mr. Anil Chopra is given promotion but he is not entitled for actual promotion, with all consequential benefits.”

4. The petitioner has now filed an additional affidavit which *inter alia* states as under:

“ 4. That the Hon'ble CAT(PB), New Delhi, vide its order dated 31.05.2016 in OA Nos. 591/2009 and 2981/2009 had directed to re-cast the entire year-wise seniority lists of RBSS at the Level of Section Officers, from the very beginning of the RBSS as a service.

5. That vide the order dated- 31.05.2016, the Hon'ble CAT, PB was pleased to inter-alia direct as under:

“.....

182 [v] The seniority in the cadre of Section Officers at level-3 of RBSS so determined, in the manner indicated above, shall alone be taken into consideration of further promotions to level-2 and level-1 of RBSS thereafter.

[vi] The Respondent No.1 shall after finalization of the SOs' level seniority list, convene DPCs or Review DPCs for considering year-wise further promotions of all the incumbent SOs in that seniority list as Under Secretaries and Deputy Secretaries etc. and so on.”

True copy of the Hon'ble CAT's order dated 31.05.2016 in OA Nos. 591/2009 and 2981/2009 is annexed hereto and~ marked as ANNEXURE A1.

6. That in compliance of the aforesaid order



2025:DHC:5926-DB



dated 31.05.2016 revised seniority lists of Section Officers of RBSS for the years 1970 to 2004 were issued vide this Ministry's circular No. ERB-I/2012/17 /3 dated 29.08.2017.

*True copy of the Ministry's circular No. ERB-1/2012/17 /3 dated 29.08.2017 is annexed hereto and marked as **ANNEXURE A2**.*

7. That accordingly, based on the revised seniority lists of Section Officers grade of RBSS, review DPCs were convened by UPSC for reviewing the panels of Grade-I (Under Secretary/Deputy Director) for the years 1980-81 to 2010-11.

*8. That on the basis of recommendation made by UPSC after convening review DPCs, this Ministry has issued revised panels of Grade-I (Under Secretary /Deputy Director) of RBSS for the years 1980-81 to 2010-11 vides Office Order No. SO of 2024 dated 05.08.2024. True copy of the Office Order No. SO of 2024 dated 05.08.2024 is annexed hereto and marked as **ANNEXURE A3**.*

*9. That the revised panels of Grade-I(US/DD) of RBSS have been issued in supersession of all the earlier panels of Grade-I(US/DD) of RBSS including the panel issued vide office order dated No.24/2011 dated. 29.06.2011 based on which the respondent i.e. Shri Sathyan Pillai initially requested for the benefit of notional promotion in US/DD grade and subsequently Hon'ble CAT allowed his prayer vide impugned order 20.03.2023(**Annexure-P1**).*

10. That in the revised panels of Grade-I (Under Secretary/Deputy Director) for the years 1980-81 to 2010-11 issued vide aforesaid Office Order dated 05.08.2024, neither Shri Sathyan Pillai (i.e. the Respondent herein) nor his junior Shri Anil Chopra has



2025:DHC:5926-DB



been empanelled to Grade-I (US/DD) of RBSS.

11. That moreover, since the respondent herein had tendered resignation from Railway Service w.e.f. 19.05.2009, he is not eligible for being considered for empanelment to Grade-I (Under Secretary/Deputy Director) of RBSS beyond the panel year 2008-09 (01.07.2008-30.06.2009)."

5. The learned counsel for the respondent submits that the some of the above pleas, though pre-dating the Impugned Order passed by the learned Tribunal, were not urged before the learned Tribunal.

6. We are of the opinion that the Order of the learned Tribunal cannot be challenged on the basis of material which was not placed before the learned Tribunal. The proper remedy for the petitioner, if any, would be to approach the learned Tribunal.

7. We, however, make it clear that we have not examined the above pleas of the petitioner on merit.

8. Accordingly, reserving this liberty with the petitioner, the present petition is disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 23, 2025/pr/kz