



2025:DHC:6123-DB



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

Date of decision: 28.07.2025

(52)+ W.P.(C) 10939/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr.Jivesh Kumar Tiwari, SPC
with Ms.Samiksha, Adv.

versus

RAMDEV & ORS.

.....Respondents

Through: Mr.Rajat K. Mittal, Ms.Kritika ,
Mr.Lakshay Manchanda, and
Mr.Ritwik Parikh, Adv.

(55)+ W.P.(C) 10945/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr.Jivesh Kumar Tiwari, SPC
with Ms.Samiksha, Adv.

versus

SH SANTOSH KUMAR & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CAV 277/2025 in W.P.(C) 10939/2025

1. As the learned counsel for the respondents has entered appearance, the caveat stands discharged.



CM APPL. 45095/2025 (Exemption) in W.P.(C) 10939/2025
CM APPL. 45108/2025 (Exemption) in W.P.(C) 10945/2025

2. Allowed, subject to all just exceptions.

W.P.(C) 10939/2025 & CM APPL. 45094/2025
W.P.(C) 10945/2025 & CM APPL. 45107/2025

3. These petitions have been filed by the petitioners, challenging the Orders dated 05.11.2024 and 30.04.2024, passed by the learned Central Administrative Tribunal (hereinafter referred to as the 'Tribunal') in O.A. No. 558/2024, titled **Ram Dev & Ors. v. Union of India & Ors.**, and O.A. No. 3494/2016, titled **Santosh Kumar & Ors. v. Union of India & Anr.**, respectively, whereby the learned Tribunal allowed the O.A.s filed by the respondents herein, with the following directions:

“9. For the reasons explained hereinabove, the O.A is allowed and the impugned order dated 04.01.2024 is quashed and set aside to the extent that the respondents shall modify it by including the names of the present applicants. It is not disputed that the names of the applicants find merit in the final select list dated 10.08.2017 and are placed at serial no. 45, 53, 59, 71, 83 and 98 they shall be extended promotion to the post 'of Chief Loco Inspector along with all consequential benefits; to clarify, on notional basis from the date the counterparts of the applicants were extended promotion, to be precise, from 05.01.2024 and on actual basis from the date they take over the charge of the said post.”

4. Briefly stated, the controversy involved in the present petitions is that the petitioners had issued a Notification dated 19.02.2016 for filling up 105 posts of Chief Loco Inspector. The qualification



required for applying for the said post was, *inter alia*, that the Loco Pilots should have an experience of actual driving of 75,000 kms. in the posts of Loco Pilot Mail, Loco Pilot Passenger, and Loco Pilot Goods as on 19.02.2016, that is, the date when the Notification was issued.

5. It is the case of the petitioners that the respondents did not possess the requisite experience as on the date of the Notification of the vacancies.

6. The learned counsel for the petitioners submits that the respondents had placed reliance on an Office Circular bearing No. E(P&A)II-2007/RS-14 dated 26.03.2009, wherein the relaxation was granted only to the running staff posted as Power/Crew Controllers, and therefore, it was not applicable to the respondents, as they were not working at the said post.

7. In the present case, the respondents had earlier approached the learned Tribunal by way of O.A.(s), challenging their non-consideration for the post. The said O.A.(s) were allowed by the learned Tribunal, *vide* its Order dated 21.03.2023, with the following directions:

“14. In view of the narration above, we are of the considered view that the issue is no more res integra. We, hereby direct that the result of the applicants kept in sealed cover shall be opened, if not already opened. The cases of those who are I found to be successful in the selection process and are otherwise qualified shall be re-examined by the respondents taking into consideration their footplate experience of 75,000 kms. We are informed that, as on date, the applicants who had not completed the required 75,000 kms



footplate experience, have also now completed the said requirement, hence, they shall also be considered on their being found successful in the selection to the post of Loco Inspector in the Pay Band II plus Grade Pay of Rs. 4200/- on the day of completion of footplate experience of 75,000 kms. Those applicants who are not successful in the selection process, permitted in terms of the interim order granted by this Tribunal, shall not, be considered for their eligibility. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order."

8. From the above, it would be apparent that the learned Tribunal had directed the petitioners to consider even the experience gained by the respondents during the pendency of the said O.A.s, and, in case they had completed the required 75,000 kms. of footplate experience, they were also to be considered, if found successful in the selection process. This Order of the learned Tribunal has gained finality and has not been challenged by the petitioners.

9. The learned counsel for the petitioners submits that the direction of the learned Tribunal was only to consider the cases of the candidates who were 'otherwise qualified' for the post. He submits that due consideration was given by the petitioners, and that 16 of the persons who had approached the learned Tribunal were appointed as Chief Loco Inspector, whereas the respondents herein were not so appointed as they were not eligible and did not possess the requisite qualification.

10. We are afraid we cannot accept the above submission of the learned counsel for the petitioners.



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11. The only ground for rejecting the candidature of the respondents was that the respondents did not possess the 75,000 kms. of footplate experience as on the date of the Notification of the vacancies.

12. The learned Tribunal, in its Order dated 21.03.2023, has directed that the respondents, who may not have completed the required experience as on the date of the Notification but had later acquired the said experience, would also be considered by the petitioners. As noted hereinabove, the said Order gained finality, as it has not been challenged.

13. Without entering into the merits of whether the above direction could have been passed by the learned Tribunal, the subsequent order, which has been passed only to ensure compliance therewith, cannot be independently challenged.

14. Accordingly, we find no merit in the present petitions. The same, along with the pending applications, are dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

JULY 28, 2025/sg/DG