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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11087/2025**
UNION OF INDIA AND ANR

.....Petitioners

Through: Mr.Ashish K. Dixit, CGSC with
Mr.Shivam Tiwari & Mr.Umar
Hashmi, Advs

versus

**VIPUL KUMAR RAMANLAL PATEL SCIENTIST E AND
ORS**

.....Respondents

Through: Mr.R.K. Kapoor, Ms.Aakriti
Kapila & Mr.Rajat Kapoor,
Advs

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

ORDER
29.07.2025

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CAV 281/2025

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

CM APPL. 45623/2025 & 45625/2025 (Exemptions)

2. Allowed, subject to all just exceptions.

W.P.(C) 11087/2025 & CM APPL. 45624/2025

3. This petition has been filed challenging the order dated 07.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi, in O.A. No. 2365/2024, titled ***Vipul Kumar Ramanlal Patel & Ors. v. Union of India & Ors.***, allowing



the said O.A. filed by the respondents herein with the following directions:-

“10. In view of what has been discussed and detailed above and for the reasons of parity, the O.A. is allowed. The applicants shall be entitled for extension of promotion from the date of entitlement as detailed by the respondents in the table at page 9 of the reply. The applicants shall be entitled to all consequential benefits including arrears in pursuance of the FCS from the date of their eligibility/entitlement.

11. The directions ordained above shall be complied with within eight weeks from the date of receipt of a certified copy of this order. There shall be no order as to costs.”

4. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that in terms the Recruitment Rules for the Scientific Cadre, retrospective promotion cannot be granted.

5. On the other hand, the learned counsel for the respondents, who appears on advance notice of this petition, submits that the above plea was not urged before the learned Tribunal. He submits that, even otherwise, the Recruitment Rules would have no application as far as the grant of the Flexible Complementing Scheme (FCS) is concerned.

6. As the reading of the Impugned Order does not reflect the plea of the application of the Recruitment Rules to the prayer made by the respondents being raised before the learned Tribunal, the learned counsel for the petitioner prays for leave to withdraw the present petition, with liberty to move an appropriate application before the learned Tribunal.



7. The petition is disposed of as withdrawn with liberty as prayed for.
8. We make it clear that we have not expressed any opinion on the merits of the above plea.

NAVIN CHAWLA, J

MADHU JAIN, J

JULY 29, 2025/rv