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

Date of decision: 19.08.2025

+ W.P.(C) 12472/2025
UNION OF INDIA AND ORSPetitioners
Through: Mr.V. S. R. Krishna, Adv.

versus

PRADEEP KUMAR SHARMARespondent
Through: Mr.A. K. Trivedi and
Mr.Yogesh Sharma, Adv.

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

NAVIN CHAWLA, J. (ORAL)

CAV 311/2025

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

CM APPL. 50928/2025 (Exemption)

2. Allowed, subject to all just exceptions.

W.P.(C) 12472/2025 & CM APPL. 50927/2025

3. This petition has been filed by the petitioners, challenging the Order dated 22.09.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in OA No. 1055/2020, titled ***Pradeep Kumar Shanna v. Union of India & Ors.***, disposing of the OA filed by the respondent herein with the following direction:



“8. On hearing learned counsel for both the parties and after perusing the aforementioned judgment passed in the matter of G.K. Soti (supra), we are of the view that the instant O.A. is covered by the judgment passed in the matter of G. K. Soti (supra) and no divergent view can be taken in the facts and circumstances of the present case. We dispose of the present O.A. directing the respondents to place the case of the applicant before the Screening Committee to consider for extension of the benefit of 2nd financial upgradation under the MACP Scheme. If he is found fit, he shall be extended the same along with all the consequential benefits within a period of two months from the date of receipt of a certified copy of this Order.”

4. Also in challenge are the Orders dated 07.03.2025 and 05.05.2025 passed by the learned Tribunal in C.P. No. 124/2024 in OA 1055/2020, wherein the Screening Committee report prepared in pursuance of the directions passed by the learned Tribunal in the Impugned Order was found unsatisfactory as being going beyond the scope of the Impugned Order dated 22.09.2023, and the members of the Screening Committee were directed to be present before the learned Tribunal on 30.05.2025.

5. The learned counsel for the petitioners submits that the learned Tribunal has erred in holding that the case of the respondent fell in Clause (i) of the RBE Circular No. 100/2012. He submits that the learned Tribunal failed to appreciate that the case of the respondent was considered for the post of Commercial Apprentice against the 10% quota through LDCE, that is, at a promotional post. He submits that the case of the respondent, therefore, fell in Clause (ii) of the said



Circular.

6. The above submission is disputed by the learned counsel for the respondent, who appears on an advance notice, and submits that the respondent has always been treated as direct recruit to the post of Commercial Apprentice.

7. We find that there has been a considerable delay in filing of the present petition as far as the challenge to the Impugned Order dated 22.09.2023 is concerned. Though the learned counsel for the petitioners submits that the petitioners, in compliance with the direction issued by the learned Tribunal had placed the case of the respondent before the Screening Committee and the Screening Committee had rejected the same by passing speaking orders, the fact remains that by the virtue of the Impugned Order which was passed on the basis of the Judgement of the learned Tribunal in OA No. 1054/2020 titled **G.K. Soti vs. Union of India & Ors.**, the case of the respondent had to be treated as one falling under Clause (i) of the Circular No. 100/2012. This issue could not have been re-opened by the Screening Committee. If the petitioners were aggrieved of the finding given by the learned Tribunal, they should have challenged the same in appropriate proceedings and within a reasonable time. Having accepted the said finding, the petitioners cannot now challenge the same belatedly or by way of challenge to the Impugned Orders passed by the learned Tribunal in contempt proceedings.

8. In view of the above, leaving the question of law open and directing that the Impugned Order dated 22.09.2023 passed by the learned Tribunal shall not be treated as a precedent in other cases, we,



2025:DHC:7017-DB



dismiss the present petition on the ground of delay and laches.

9. The pending application also stands disposed of.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 19, 2025/sg/ik