



2025:DHC:5503-DB



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

Date of decision: 11.07.2025

+ **W.P.(C) 17937/2024 & CM APPL. 76318/2024**
SUNIL ANAND BURAK AND ORS.Petitioners
Through: Ms.Saahila Lamba, Adv.

versus

GOVT. OF NCT OF DELHI AND ORS.Respondents
Through: Mrs.Avnish Ahlawat, SC,
GNCTD (Services) with
Mr.N.K.Singh, Advs. for R-1 to
3.
Ms.Anubha Bhardwaj, CGSC
for R-4/UOI.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners challenging the Order dated 24.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi in O.A.1378/2023, titled ***DASS Officers Association & Ors. v. Govt. of NCT of Delhi & Ors.***, dismissing the OA filed by the petitioners herein, by relying upon the Judgment of the Supreme Court in ***K. Meghachandra Singh & Ors. v. Ningam Siro & Ors.***, (2020) 5 SCC 689.

2. The facts giving rise to the present petition are that pursuant to



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an Advertisement No. 03/13 dated 12.09.2013 issued by the respondent no.3 *inter alia* for 313 vacancies to the post of Grade II (DASS) in the Services Department of Government in NCT of Delhi, the petitioners applied for the same.

3. Though, the advertisement required the selection process to be finalized within a period of six months from the issue of advertisement, the select list for the appointment to the post was issued only around six years thereafter, sometime in 2019.

4. The petitioners, who were successful in the selection, joined the services between May 2019 to September 2019. They made representations to the respondents for their seniority to be considered in accordance with the vacancy years, that is, between 2012-13, and having failed to receive any response from the respondents, they filed the above O.A.

5. The learned counsel for the petitioners submits that at the relevant time, the law with respect to the determination of the seniority was governed by the Judgment of the Supreme Court in ***N.R. Parmar v. Union of India & Ors.***, (2018) 18 SCC 20. She submits that in terms of the said judgment, therefore, the petitioners were entitled to have the seniority determined in accordance with the year of vacancy.

6. The learned counsel for the respondents submits that the respondents had rightly determined the seniority of the petitioners from the year of their appointment, as the seniority list had not been finalized before the Judgment of Supreme Court in ***K.Meghachandra Singh***(supra).



7. We have considered the submissions made by the learned counsel for the parties.

8. As noted hereinabove, the learned Tribunal has rejected the prayer of the petitioners by placing reliance on **K.Meghachandra Singh**(supra). We find no infirmity with the said finding of the learned Tribunal. As has been held in **K.Meghachandra Singh**(supra), the principles laid down therein are applicable to all cases where the seniority list had not been finalized.

9. This Court in **ICAR & Anr. v. Yugal Kishore Sah & Ors.**, 2024 SCC OnLine Del 7150, has considered a plea similar to the one raised by the learned counsel for the petitioners, and rejected the same by observing as under:

“8. As this judgment would conclude, we are not in agreement with the stand of the ICAR. In our view, any seniority list between DRs and promotees, drawn up after Meghachandra, has to abide by the law declared in Meghachandra. Meghachandra categorically holds Parmar to be wrong law in so many words. Once Meghachandra stood pronounced, therefore, there can be no question reverting to Parmar or drawing up any seniority list on the basis of Parmar. The reason is elementary. It is plainly impermissible to read the judgment of the Supreme Court in Meghachandra as permitting the petitioners to continue to apply Parmar, even after the Supreme Court holds Parmar to be wrongly decided. The Supreme Court can never be understood as directing the petitioners to act illegally, and apply wrong law while fixing seniority, which is how the petitioners seek to interpret



Meghachandra. The petitioners' contention is that the Supreme Court has authorized - rather, directed - seniority, between DRs and promotes recruited prior to the rendition of the judgment in Meghanchandra, to be fixed on the basis of Parmar, even while holding Parmar to be wrong law. Any such interpretation of Meghanchandra would be not only preposterous, but absurd.

9. All that para 39 of Meghachandra saves, in our opinion, is seniority which already stands fixed as per Parmar, before Meghachandra was rendered. In no circumstances can Meghachandra be understood as authorizing, or permitting, inter se seniority between DRs and promotees to be fixed, after Meghanchandra stood rendered, in accordance with Parmar, irrespective of when the officers whose inter se seniority was being fixed were inducted in the service.

10. We, therefore, concur with the learned Tribunal in its view that the ICAR was in error in circulating the seniority lists on 20 September 2021, 7 January 2022 and 13 October 2022 on the basis of Parmar. The seniority had necessarily to be fixed as per Meghachandra, and the learned Tribunal is perfectly correct in directing the ICAR to do so."

10. In **Anju Chawla & Ors. v. State (NCT of Delhi) & Ors.**, 2024 SCC OnLine Del 7290, this Court reiterated the above position as under:

"11. This Bench has considered this aspect in some detail in its recent judgment in ICAR v. Yugal Kishore Sah. We have taken the view that the saving clause contained in para 39 of Meghachandra would apply only in case the seniority of the concerned officers/employees



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has been fixed by way of drawing up of a seniority list prior to the rendition of the decision in Meghachandra. Where the seniority list is drawn up for the first time after Meghachandra was rendered, we have held that seniority list has to subscribe to the law laid down in Meghachandra irrespective of the date of recruitment of the DRs or promotees whose inter se seniority is being fixed.”

11. In the present case, it is an admitted fact that the seniority list of the petitioners had not been finalized before the Judgment of Supreme Court in ***K.Meghachandra Singh***(supra). In our view, therefore, the respondents had rightly determined the seniority of the petitioners from the year of their appointment.

12. We find no infirmity in the Impugned Order. Accordingly, the petition, along with the pending applications, is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 11, 2025
RN/VS