



\$~98

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

+ W.P.(C) 955/2025, CM APPLs. 4716/2025, 4717/2025,
4718/2025, 4719/2025, 4720/2025, 4721/2025, 4722/2025

BRIJPAL SINGH DAGAR AND ORSPetitioners
Through: Mr. Soumo Palit, Advocate.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Shashwat Sharma & Mr.
Vikalp Mudgal, Advocates for R-2
& 3.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
24.01.2025

%

1. The petitioners, 57 in number, challenge an order dated 12.06.2024 by which the respondents have communicated that the petitioners are not entitled to the benefit of Biennial Cadre Review Scheme [“BCR Scheme”], in terms of the judgment of the Supreme Court in *Union of India vs. Leelamma Jacob*, [(2003) 12 SCC 280].

2. The petitioners had earlier approached the Central Administrative Tribunal [“CAT”] for this relief by way of O.A. 4061/2011. Their application was disposed of by an order dated 02.09.2016, against which they approached this Court in W.P.(C) 9138/2018 and W.P.(C) 99145/2018. The Court directed as follows:-

“9. Having perused the impugned order, we find that the learned Tribunal has on the one hand dismissed the O.A. preferred by the petitioners on the ground of being barred by limitation, it has



simultaneously issued positive directions to the respondents to examine the case of each of the applicant in the light of the observations as contained in the impugned order as also the decision of the Apex Court in Leelamma Jacob (Supra). We may note that the respondent has not assailed this direction issued by the learned Tribunal to consider the case of each petitioner separately.

10. We are, therefore, of the considered view that once the Tribunal itself has directed the respondents to take a considered decision in respect of each petitioner by examining their cases on the basis of the observations made in the impugned order as also the decision in Leelamma Jacob (Supra), the learned Tribunal ought to have issued directions to the respondents to pass an order after considering the cases of the petitioners in a time bound manner. We, therefore, dispose of the writ petition by directing the respondents to consider the case of each petitioner in terms of the directions issued in the impugned order, within a period of four weeks, by passing a reasoned and speaking order.

11. Needless to state, the said speaking orders will be communicated to the petitioners, who, if aggrieved, will be at liberty to assail the same as per law.”

3. It is the contention of Mr. Soumo Palit, learned counsel for the petitioner, that the impugned order dated 12.06.2024 is in the teeth of the directions of CAT and of this Court as quoted above. Specifically, he submits that the respondents have not considered the case of each petitioner separately, but have passed an omnibus order rejecting the claims of all the petitioners.

4. Mr. Shashwat Sharma, learned counsel for the respondents, takes preliminary objection, that the disputes raised in this petition are amenable to the jurisdiction of the CAT under the Administrative Tribunals Act, 1985.

5. After some argument, Mr. Palit seeks permission to withdraw this writ petition with liberty to the petitioners to take their remedies before the Tribunal or to take appropriate proceedings in respect of alleged non-compliance with the order of this Court dated 04.03.2024.



6. The petition, alongwith the pending applications, is dismissed as withdrawn, with liberty as aforesaid.

7. It is made clear that this Court has not addressed itself to the parties' respective rights and contentions on merits.

PRATEEK JALAN, J

JANUARY 24, 2025

'pv'/kb/