



\$~34

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

+ W.P.(C) 16401/2022

UNION OF INDIA & ORS.

.Petitioners

Through: Ms. Shagun Shahi Chugh, SPC
along with Mr. Varun Chugh
and Ms. Ayushi Agarwal, Adv.
Mr. Jagdish Chandra, CGSC
along with Ms. Maanya Saxena
and Mr. Sujeet Chaudhary,
Adv.

versus

MANOJ KUMAR & ORS.

.....Respondents

Through: Mr. Shankar K. Jha, Adv. for
R-1.
Ms. Sonika and Mr. Piyush
Sharma, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

19.03.2026

%

1. As per the findings recorded by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'the Tribunal'], Respondent No.1 (Applicant before the Tribunal) joined the service of the Ordinance Factory, Muradnagar, in the feeder cadre, i.e., a Skilled Machinist in the year 2003 and was promoted as Machinist (SK) in the year 2005. Upon completion of the requisite period of service and on qualifying the prescribed trade test, he was further promoted to the post of Machinist (HS). Thereafter, in the year 2012, he was promoted to the post of Machinist (HS Grade-I) upon clearing the requisite trade test.

2. Respondent Nos.2 and 3 were, at all relevant times, junior to



Respondent No.1 in the feeder cadre and were placed below him in the seniority list. Both Respondent Nos.2 and 3 belong to the Scheduled Caste category.

3. Pursuant to the implementation of the recommendations of the 6th Pay Commission, a restructuring of the cadre was undertaken in the year 2010. In furtherance thereof, the Respondents issued a promotion/change of post *vide* order dated 12.03.2011, whereby Respondent Nos.2 and 3 were granted promotion to the post of Machinist (HS-II) with retrospective effect from 01.01.2006 and 03.02.2006, respectively. The Respondent No.1, however, was shown to have been promoted to the said post with effect from 01.05.2007.

4. As a consequence of the aforesaid retrospective promotions, Respondent Nos.2 and 3 came to be placed above Respondent No.1 in the seniority list of Machinist (HS-II), thereby rendering Respondent No.1 junior to them despite their admitted junior position in the feeder cadre.

5. The Tribunal, while partly allowing the O.A. No.635/2013 filed by the Respondent No.1, has made the following observations:

“6. From a perusal of the record, it becomes clear that the applicant was extended the benefit of promotion to various posts as and when he acquired the eligibility and cleared the trade test, without any impediment. However, dates of promotion were revised in view of the restructuring. Different dates were assigned for promotion to the restructured posts. In that behalf, the applicant was deemed to have been promoted to the post of Machinist (HS-II) with effect from 01.05.2007.

7. It is not in dispute that the respondents no. 4 and 5 were juniors to the applicant. The appointing authority, however, promoted them to the post of Machinist (HS-II) with effect from the date earlier to that of the applicant. Assuming that the respondents have undertaken an exercise of ascertaining the adequacy or otherwise of the representation of the SC candidates for the post of Machinist (HS-II), we find it difficult to accept the contention of the respondents as regards grant of relaxation from trade test to the said candidate. No



proceedings or recruitment rules are cited in this behalf.

8. Whatever be the competence of the appointing authority to implement reservation, duly observing the steps indicated by the Supreme Court in M. Nagaraj's case, the relaxation from requirement of clearing the trade test can be granted only when there is a specific provision in the rules. None of the respondents have placed before us any such provisions.

9. Since the applicant as well as the respondents no. 4 & 5 have already been promoted, we partly allow the O.A and direct that the applicant shall be treated as senior to respondents no. 4 & 5 in the post of Machinist (HS-II). We, however, do not disturb the promotion that has been extended to respondents no. 4 & 5. There shall be no order as to costs."

6. Learned counsel representing the Petitioners has not been able to demonstrate any infirmity in the Impugned Order dated 30.05.2019 passed by the Tribunal in the aforesaid O.A., either on facts or in law, warranting interference by this Court.

7. The conclusions arrived at by the Tribunal are founded on a due appreciation of the material on record and the applicable legal position, and do not suffer from any perversity, illegality, or jurisdictional error.

8. This Court, in exercise of its limited supervisory jurisdiction, finds no ground to take a view different from that taken by the Tribunal.

9. Accordingly, the present Petition is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MARCH 19, 2026

s.godara/shah