



2026:DHC:343-DB



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

Date of decision: 12.01.2026

+ W.P.(C) 3933/2010 and CM APPL. 2702/2020

RS MEENA

.....Petitioner

Through: Mr. R K Saini, Adv.

versus

MCD AND ORS

.....Respondents

Through: Mr. Tushar Ahuja Panel Counsel with Mr. Dhruv Nagpal, Mr. Amish Kumar, Advs. for R-1.

Mr. Rajesh Yadav, Sr. Adv. with Ms. Ruchira V. Arora, Mr. Dhananjay Mehlawat, Advs. for R-2.

Mr. Ruchir Mishra, Mr. Sanjiv Kr Saxena, Mr. Mukesh Kr Tiwari, Ms. Reba Jena Mishra, Ms. Poonam Shukla, Advs. for UOI.

+ W.P.(C) 5684/2010

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CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.:

1. With the consent of learned counsel representing the parties, the present Petitions shall stand disposed of by this common order.
2. Through the present Petitions, the Petitioner assails the correctness of the Order dated 06.05.2010 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'CAT'], whereby two Transferred Applications (TAs) being T.A. No.320/2009 and T.A. No.371/2009, filed by the Respondents were allowed.
3. The present Petitions have been pending for the last 15 years. On the first date of hearing, i.e., on 02.06.2010, the operation of the Impugned Order passed by the CAT was stayed by the Predecessor Bench of this Court.
4. Before advertng to the controversy at hand, it is apposite to notice the relevant facts emanating from W.P.(C) No. 3933/2010. Respondent No.2 was appointed with Respondent No.1/Municipal Corporation of Delhi [hereinafter referred to as 'MCD'] on 01.12.1986 to the post of Labour Welfare Superintendent [hereinafter referred to as 'Superintendent'], whereas the Petitioner came to be appointed on 01.01.1987. A provisional seniority list for the post of Superintendent was issued on 28.08.1989, wherein Respondent No.2 was placed at Serial No.11 and the Petitioner at Serial No.13.

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5. Thereafter, *vide* Office Order dated 19.08.1991, Respondent No.2, along with four others, was promoted on an *ad hoc* basis to the post of Assistant Labour Welfare Officer [hereinafter referred to as 'Asst. Officer']. He was subsequently promoted to the post of Assistant Commissioner *vide* Order dated 08.01.2002. In the seniority list circulated on 18.07.2002, Respondent No.2 was reflected at Serial No.11, while the Petitioner was shown at Serial No.13. Subsequently, a final combined seniority list dated 30.07.2002 placed Respondent No.2 at Serial No.10 and the Petitioner at Serial No.12.

6. On 02.09.2003, Respondent No.2 and the Petitioner, along with other officers, were regularised to the post of Additional Labour Welfare Officer with effect from 02.09.2003. Seniority of the Respondent No.2 vis-à-vis the Petitioner on different dates stood, thus:

Date of Appointment	Seniority list dated 28.08. 1989	Office orders dated 18.07. 2002	Final combined seniority list dated 30.07.2002	Seniority list after 08.04. 2004
Res.No.2 [01.12.1986] Pet. [01.01.1987]	11 13	11 13	10 12	4 1

7. It further emerges from the record that the Petitioner had filed a representation before the National Commission for Scheduled Castes/Scheduled Tribes [hereinafter referred to as 'SC/ST Commission'] alleging erroneous fixation of his seniority. The Petitioner, belonging to the Scheduled Tribe ('ST') category, asserted that under the 40-point roster, Point No.22 stood reserved for an ST candidate and that a vacancy against the said roster point arose in the year 1988. It was his specific case that, having completed the requisite

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qualifying service as Superintendent, he was entitled to promotion from the said date. As his grievance was not being redressed by the MCD, the Petitioner approached this Court by filing W.P.(C) No.2127/2003. During the pendency of the said Writ Petition, the Order dated 08.04.2004 came to be passed by the MCD on the recommendations of the SC/ST Commission. Consequently, the aforesaid writ petition was dismissed as withdrawn by recording the following Order:

“C.M. 2305/2004 in W.P.(C) No.2127/2003

Petitioner no.1 states that relief has enured to him in terms of the orders passed by the National commission for SC and ST dated 28.01.2004 and in view of the said order he does not wish to pursue with the writ petition. Writ Petition qua petitioner No.1 is accordingly dismissed as not pressed.”

8. *Vide* Order dated 08.04.2004, in compliance of the orders/directions of the SC/ST Commission, the MCD ordered promotion of the Petitioner to the post of Asst. Officer with effect from 01.01.1990 instead of 19.08.1991, without granting the opportunity of hearing to the private Respondents or any person adversely affected by the said Order.

9. Consequently, as the seniority of the private Respondents was adversely affected without granting them the opportunity of hearing, the private Respondents filed TAs before the CAT, and the same was allowed on the ground that the recommendations made by the SC/ST Commission were not binding upon MCD, and the Order dated 08.04.2004 passed by the MCD was without granting the private Respondents any opportunity of hearing.

10. It is pertinent to note that the private Respondents contended

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before the CAT that the Order dated 08.04.2004 of the MCD, stated to have been passed on the recommendations of the SC/ST Commission, was wholly without jurisdiction and, therefore, liable to be set aside.

11. *Per contra*, the Petitioner urged before the CAT that, in terms of Article 338 of the Constitution of India, the SC/ST Commission was vested with the jurisdiction to entertain the matter. It was further contended that the Order dated 08.04.2004 was not passed pursuant to any binding directions of the SC/ST Commission and, in any event, amounted merely to a correction of an apparent error.

12. By the Impugned Order, the CAT found considerable merit in the submissions advanced on behalf of the private Respondents. It held that the issue of jurisdiction was no longer *res integra* and stood conclusively settled by the authoritative pronouncement of the Supreme Court in *All India Indian Overseas Bank SC and ST Employees' Welfare Association & Ors. v. Union of India & Ors.*¹. In the said decision, while dealing with an interim order of the SC/ST Commission directing the respondent Bank to halt the promotion process pending investigation, the Supreme Court held that the Commission is conferred with procedural powers akin to those of a civil court only for limited purposes and has not been vested with any power to grant interim injunctions.

13. It further held that the Petitioner has been clamoring for his right of reservation against roster point 22 for a long time and he would not know that the SC/ST Commission had no jurisdiction to entertain and adjudicate upon such matters. It is noted that upon relief

¹ (1996) 6 SCC 606.



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being extended to him by the Order dated 08.04.2004, the Petitioner withdrew his writ petition. The CAT held that the issue, nevertheless, required proper consideration by the MCD, *albeit* after affording an opportunity of hearing to the private Respondents or any other persons who may be adversely affected.

14. Accordingly, by the Impugned Order, the CAT quashed the Order dated 08.04.2004 and directed the MCD to reconsider the matter afresh, independently and uninfluenced by any orders or directions issued by the SC/ST Commission.

15. The only submission made by the learned counsel representing the Petitioner in this writ petition is that now the Petitioner, as well as the private Respondents, have retired. In the meantime, the Petitioner was given two promotions, and he retired as Assistant Commissioner on 31.12.2019. Learned counsel submits that no further order(s) can be passed.

16. This Court has heard the submissions advanced by the learned counsel representing the Petitioner.

17. The Interim Order dated 02.06.2010 passed by the Predecessor Bench of this Court is not a final order. It is evident that the learned counsel representing the Petitioner, despite request of the Bench, has failed to point out any error in the Impugned Order before this Court.

18. Keeping in view the aforesaid facts, this Court does not find any infirmity with the Impugned Order.



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19. The present Petitions are accordingly dismissed. The pending application also stands closed.

20. A photocopy of the Order passed today be kept in the connected matter.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 12, 2026

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