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

\# **CNR No. DLHC011083902025**

\+ W.P.(C) 259/2026, CM APPL. 1190/2026, CM APPL. 1191/2026 & CM APPL. 1192/2026

UNION OF INDIA AND ORS .....Petitioners
Through: Mr. P.S. Singh, CGSC, Ms. Annu Singh, Ms. Shivangi Sharma, Ms. Natasha Goyal and Mr. Shivang Gaur, Advs.

versus

SACHIN KUMAR AND ORS .....Respondents
Through: Mr. Pradeep Kumar Arya, Mr. Raj Karan Sharma, Mr. Aditya Kumar Yadav, Mr. Ayush Pratap Singh, Mr. Gaurav Chaudhry, Mr. Rishabh Malhotra, Mr. Vaibhav Chaudhry and Ms. Akshika Chaudhary, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

ORDER (ORAL)

% 01.10.2026

C. HARI SHANKAR, J.

1. This writ petition assails order dated 9 May 2025 passed by the Central Administrative Tribunal[1] in OA 985/2024. The Tribunal has, in the said decision, relied on a letter of clarification issued by the Ministry of Defence, Department of Defence Production Directorate of Ordnance (C&S), Kolkata, in respect of which it is thus stated, in para 23 of the judgment:

[1] "Tribunal" hereinafter

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> "23. The Government of India, Ministry of Defence, Department of Defence Production Directorate of Ordnance (C & S), Kolkata (Coordination & Policy) has issued letter for clarification dated 10.04.2023 stating that in cases where the vacancies has been sanctioned by Ministry of Defence/OFB, date of communication from OFB for recruitment against such vacancies may be considered at cut-off date for considering eligibility of Government servant for coverage under CCS (Pension) Rules. The date of notification/sanction of vacancy/post showed be taken as the date for deciding the eligibility for coverage under CCS (Pension) Rules. The said justification has been given in line with Hon'ble Supreme Court judgment dated 07.12.1993 in the case of ***J & K Public Service Commission v. Dr. Narinder Mohan***[2] and in the case of ***Rakesh Bhardwaj Vs. State of U.P.***[3], Hon'ble High Court, Allahabad vide judgment dated 09.05.2007. Their Lordships made distinction between notification of vacancy and said vacancy advertised in daily newspapers. The respondents in its clarification/communication dated 10.04.2023 already justified that the date of sanction of vacancy/post for the recruitment should be taken as the date for deciding eligibility for coverage under CCS (Pension) Rules."

2. Mr. P.S. Singh, who appears for the Directorate of Ordnance before us, submits, on instructions, that no such document is found on the record of the Tribunal and that his clients have not been able to trace any such letter of clarification dated 10 April 2023 issued by the Directorate of Ordnance.

3. If that is so, the appropriate course of action for the petitioner to follow would be to move the Tribunal by way of a review petition.

4. Accordingly, Mr. Singh seeks leave to withdraw this petition with liberty to approach the Tribunal by way of a review petition.

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[2] **1994 SCC (2) 630**

[3]

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5. Leave and liberty is granted as aforesaid. The writ petition is disposed of as withdrawn. We have not expressed any opinion on the merits of the matter.

6. Needless to say, either side, should it continue to remain aggrieved by the order passed by the Tribunal, would be at liberty to seek remedies in accordance with law.

7. We make it clear that the review petition should positively be filed within ten days from today and should be listed before the Concerned Bench of the Tribunal immediately thereafter, as the issue in controversy is arising before us in many matters.

8. We also request the Concerned Bench of the Tribunal to take a decision on the review petition within three weeks from the date of its being listed before the Bench.

9. This writ petition is disposed of as withdrawn.

C. HARI SHANKAR, J

NIVEDITA ANIL SHARMA, J

OCTOBER 1, 2026/AR

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