



\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7757/2016 & CM APPL. 32028/2016**

UNION OF INDIA & ORSPetitioners
Through: Mr. Balendu Shekhar, CGSC
with Mr. Rajkumar Maurya,
Mr. Krishna Chaitanya & Mr.
Divyansh Singh Dev, Advs.

versus

SURESH CHANDER SHARMA
& ORSRespondents
Through:

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

% **ORDER**
25.03.2026

1. Through the present petition, the Petitioners challenge the correctness of the order dated 20.05.2015 (hereafter '**impugned order**') passed by the learned Central Administrative Tribunal in O.A. No. 4185/2012.
2. The learned Tribunal, by the impugned order, while relying upon the judgment passed by Jodhpur Bench of the Tribunal in OA No. 382/2011 and other connected cases decided on 22.05.2012, allowed the subject OA filed by the Respondents.
3. The learned counsel representing the Petitioners submits that the Respondents were promoted after clearing limited departmental examination and, therefore, they should be treated to have been promoted and not directly recruited for the purpose of grant of benefit of MACP.



4. On a Court question, the learned counsel representing the Petitioners admits that the Respondents in the present case and the employees in OA No. 382/2011 are identically situated. It has further been stated that all the said employees are members of the Department of Posts and they belong to All India Services. It remains undisputed that the Respondents and the employees in OA No. 382/2011 can be posted anywhere, even in the same office and if the stand of the Petitioner is accepted, it would lead to discrimination among identically situated employees.

5. The judgment passed by the Jodhpur Bench of the learned Central Administrative Tribunal was upheld by the High Court. This writ petition was kept pending in order to await the decision in Special Leave Petitions ('SLP') filed before Hon'ble Supreme Court challenging the High Court order which, admittedly, have been dismissed after grant of leave on 24.02.2026.

6. Thus, the issued stands concluded in regard to identically placed employees of Petitioner who approached other Benches of the learned Central Administrative Tribunal.

7. The learned counsel representing the Petitioners submits that the question of law was kept open by the Hon'ble Supreme Court. In that regard, it is pertinent to note that the question of law has been kept open in only one case. The Bench has noticed that various SLPs have already been dismissed in the years between 2016 to 2022.

8. Keeping in view the aforesaid, particularly when the Petitioners have failed to draw the attention of the Court to any distinguishing feature between the case of the Respondents herein and the employees who had filed OA No. 382/2011 before the Jodhpur Bench, this Court is not inclined to interfere with the impugned order.



9. The present writ petition is, therefore, dismissed. Pending application also stands disposed of.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

MARCH 25, 2026
“SS”