
(2022) 07 DEL CK 0040

In the Delhi High Court

Case No : Civil Writ Petition No. 10245 Of 2022, Civil Miscellaneous Application No. 29601 Of 2022

Dr. Dhanjay Keshavrao Sable

APPELLANT

Vs

Navneet Pratap Singh & Ors.

RESPONDENT

Date of Decision : 07-07-2022

Acts Referred:

Citation : (2022) 07 DEL CK 0040

Hon'ble Judges : Sanjeev Sachdeva, J;Tushar Rao Gedela, J

Bench : Division Bench

Advocate : Sanjoy Ghose, Mandeep Baisala, Harpreet Singh, Suhani Mathur, Akshay Amritanshu, R.M.Tripathi, Ashutosh Jain

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioners impugn order dated 09.03.2022 passed by the Tribunal whereby Tribunal has directed that no DPC for the post of DDC (I) shall be held without the leave of the Tribunal.
2. Learned senior counsel appearing for the petitioners submits that petitioners are Assistant Drug Controllers who had been appointed by the process of direct recruitment. Subject OA was filed by the respondent Nos.1 & 2 who are Assistant Drug Controllers appointed through the process of departmental promotion.
3. Learned senior counsel for the petitioners submits that petitioners were not impleaded as parties to the subject O.A on the ground that they are not affected. He submits that impugned order records the objection of the department that the direct recruits are likely to be affected and have not been impleaded. He submits that despite the fact that petitioners are not parties to the proceedings, the DPC for the post of DDC (I) to which direct recruits are also aspirants have been stayed in toto without hearing them.

4. Learned senior counsel for the petitioners under instructions submits that petitioners be permitted to intervene in the said O.A and directions be issued to the Tribunal to expeditiously consider the O.A for final disposal or if that be not possible some interim arrangement be arrived at so that DPC could be held.
5. Issue notice. Notice is accepted by learned counsel appearing for respondent Nos.1 & 2 as also by counsel appearing for respondent Nos.3 to 5.
6. Learned counsel appearing for the respondents submits that they have no objection to the request of the petitioner without prejudice to their rights on the merits of the original application.
7. In view of the above, this petition is disposed of permitting the intervention of the petitioners in the subject O.A 578/2022 (Delhi).
8. The petitioners as well as the direct recruits who are petitioners in W.P(C) 970/2021 are impleaded as parties. Learned counsel appearing for the petitioners submits that since he appears for all the parties, he shall furnish copy of memo of parties of W.P(C) 970/2021 to learned counsel appearing for respondent Nos.1 & 2 and also appear for the said parties before the Tribunal.
9. The amended memo of parties of the O.A be filed by the petitioners therein within a period of one week. Counter affidavit, if any be filed by the petitioners within four weeks from today and rejoinder, if any be filed within two weeks.
10. It is informed that the matter is listed before the Tribunal on 24.08.2022. The Tribunal shall consider taking up the O.A for final disposal on the said date and in case the same is not possible for any reason, consider the request of the parties for an expeditious arrangement being arrived at so that the DPC can be held expeditiously for the post of DDC (I).
11. It is clarified that this Court has neither considered nor commented upon the merits of the contention of either parties and the intervention would be without prejudice to the rights and contentions of the parties and without conferring any special equities in favour of the petitioners.