

(2023) 08 DEL CK 0123

In the Delhi High Court

Case No : Civil Writ Petition No. 10134 Of 2023, Civil Miscellaneous Application No. 39213 Of 2023

Ravinder Singh And Ors Vs Union Of India And Ors

Date of Decision : 18-08-2023

Acts Referred:

Citation : (2023) 08 DEL CK 0123

Hon'ble Judges : V. Kameswar Rao, J; Anoop Kumar Mendiratta, J

Bench : Division Bench

Advocate : M.K. Bhardwaj, Saroj Bidawat, Hardik Bedi, Anil Singhal

Final Decision : Disposed Of

Judgement

V. Kameswar Rao, J

1. The challenge in this petition is to two orders dated May 9, 2023 and June 1, 2023 passed by the Central Administrative Tribunal, New Delhi ('Tribunal', for short) in the Original Application being OA 1364/2023 ('OA', for short) whereby the Tribunal vide order dated May 9, 2023 has granted the interim relief in favour of the respondent Nos. 3 to 8 herein by directing the respondent Nos. 1 and 2 herein to maintain status quo with regard to the promotion to the post of Executive Engineer (Electrical and Mechanical) from serial no. 90 onwards of seniority list of Assistant Engineer (Electrical), CPWD dated February 14, 2022.

2. Whereas, vide order dated June 1, 2023, the Tribunal, while fixing the matter for July 19, 2023 in OAs 1068/2023 and 1364/2023, apart from continuing the interim order dated May 9, 2023 has issued notice in the third OA being 1596/2023.

3. The submission of Mr. M. K. Bhardwaj, learned counsel appearing for the petitioners is that the Tribunal should at least hear the application filed by the petitioners herein seeking vacation of the stay order dated May 9, 2023 and may thereafter state, any promotion to the post of Executive Engineer (Electrical and Mechanical) shall be subject to the outcome of the OA as the promotions are only ad hoc in nature.

4. On the other hand, Mr. Anil Singhal, learned counsel appearing for the respondent Nos. 3 to 8 would submit that the present petition is an abuse of process of law, inasmuch as though the petitioners have given a certificate stating that they have placed the complete record of OA filed before the Tribunal, they have not done the same. In any case, he submits that the present petition should also not be entertained as the Tribunal is finally hearing the OAs and it shall be appropriate that the Tribunal should be allowed to decide the same.

5. At this stage, Mr. Bhardwaj states as the respondent Nos. 1 and 2 have filed their reply to the OA, the same shall be adopted by the petitioners herein as their reply. He also states that pleadings in the OAs are complete and the next date of hearing is fixed for August 22, 2023 before the Tribunal, which should decide the same.

6. Mr. Bhardwaj and Mr. Singhal state, they shall not take any adjournment before the Tribunal. They also state, directions can be given by this Court for the Tribunal to hear the counsel for the parties and finally decide the OAs.

7. Noting the said submission, it is directed that the Tribunal shall hear the counsel for the parties on August 22, 2023 and decide the OAs as expeditiously as possible within two weeks thereafter as an outer limit.

8. Petition stands disposed of, accordingly.

CM APPL. 39213/2023

Dismissed as infructuous.