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

+ W.P.(C) 970/2021 & CM APPLs. 2620-2621/2021

SANTOSH VITTHALRAO INDRAKSHA & ORS. Petitioners

Through Mr.Ravi Sikri, Sr.Advocate with
Mr.Aditya Shankar, Mr.Sameer
Kumar and Mr.Shahrukh Ahmad,
Advocates.

Versus

UNION OF INDIA & ORS. Respondents

Through Mr.Ripu Daman Bhardwaj, CGSC
with Mr.Sanjay Garg, Advocate for
R-1 to 4.
Mr.M.K.Bhardwaj with
Mr.M.D.Jangra and Mr.Akash
Dahiya, Advocates for R-6 to 11.
Mr.T.N.Tripathi, Advocate for R-14
& 16.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **25.01.2021**

Present appeal has been filed challenging the order dated 13th October, 2020 passed by the Central Administrative Tribunal (CAT) in O.A. No.2001 of 2019. The petitioners further pray for stay of the aforementioned order till the final hearing and disposal of the instant writ petition.



Learned senior counsel for the petitioner states that the Tribunal set aside the already finalized seniority list by Ministry of Health and Family Welfare dated 25th June, 2019 and directed the respondent-Ministry to fix the seniority of the respondents on the basis of their substantive appointment.

Learned senior counsel for the petitioners submits that DoPTs OM No. 20011/1/2012-Estt. (D) dated 04th March 2014 was issued in view of the mandate of the Supreme Court in **NR Parmar's case**. He submits that though the said judgment was overruled by the Supreme Court in **Meghachandra (K Meghachandra Singh & Ors vs. Ningam Siro & Ors CA 8833-8835/2019)** dated 19th November, 2019, yet in the latter judgment the Supreme Court has held that the judgment shall not affect the *inter-se* seniority already based on **NR Parmar's case**. The relevant paragraph relied upon by learned senior counsel for the petitioners is reproduced hereinbelow:-

“Accordingly, the decision will not affect the inter-se seniority already based on N.R. Parmar and the same be applicable prospectively except where seniority is yet to be fixed under the relevant Rules from the date of vacancy/ the date of advertisement.”

Issue notice.

Learned counsel for the respondents accept notice. They pray for and are permitted to file their counter-affidavits within four weeks. Rejoinder-affidavits, if any, be filed before the next date of hearing.

List on 26th July, 2021.



Till further orders, there shall be a stay of the impugned judgment and order dated 13th October, 2020.

MANMOHAN, J

ASHA MENON, J

JANUARY 25, 2021
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