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

+ **W.P.(C) 2205/2024**

DEPARTMENT OF POST THROUGH ITS SECRETARY & ORS.

..... Petitioners

Through: Mr. K. C. Dubey , Advocate.

versus

AJAY SINGH

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

15.02.2024

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CM APPL. 9133-35/2024 (Ex)

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 2205/2024 & CM APPL. 9136/2024 (Stay)

3. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 27.02.2023 passed by the learned Central Administrative Tribunal in O. A. No. 986/2019. Vide the impugned order, the learned Tribunal has allowed the original application preferred by the respondent and consequently, directed the petitioner to promote the respondent as an Assistant Accounts Officer.
4. Learned counsel for the petitioners submits that impugned order is wholly perverse as the learned Tribunal proceeded on the premise



that two persons, namely, Sh. D. K. Bisht and Ms. Subhanjali, who are junior to the respondent had been already promoted as Assistant Accounts Officer. He submits that this presumption in itself is incorrect, since neither of these two officers has been promoted. Furthermore, Sh. D. K. Bisht and Ms. Subhanjali were never placed in the same seniority list as the respondent and, therefore, the respondent could not claim that they were junior to him.

5. Upon the petitioners taking steps, issue notice to respondent through all permissible modes.
6. Counter affidavit, if any, be filed within six weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.
7. List on 7th August 2024.
8. Till the next date of hearing, operation of the impugned order will remain stayed.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 15, 2024

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