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

+ W.P.(C) 5414/2024

UNION OF INDIA AND ORS

..... Petitioner

Through: Mr.Bhagwan Swarup Shukla, CGSC
with Ms.Sunita Shukla, Adv.

versus

ANIRUDH KAUSHIK AND ANR

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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16.04.2024

CM APPL. 22354/2024 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 5414/2024 & CM APPL. 22355/2024 -Stay.

3. The present petition seeks to assail the order dated 06.01.2023 passed by the learned Central Administrative Tribunal in O.A.1531/2020. Vide the impugned order, the learned Tribunal has allowed the O.A. filed by the respondents and has consequently directed the petitioners to consider the respondents for promotion to the post of Income Tax Inspector from the date, their juniors were promoted i.e. w.e.f. 01.01.2019, if they are otherwise found suitable.
4. We may note that vide the impugned order, the learned Tribunal has after considering the decision of the Apex Court in ***R Prabha Devi v.***



Government of India [(1988) 2 SCC 233] held that even though the respondents did not fulfil the requirement of three years service in the Feeder cadre as prescribed under the Recruitment Rules for promotion to the post of Income Tax Inspector, having completed more than 50% of the said period they were entitled to be considered for promotion along with their juniors.

5. After some arguments, learned counsel for the petitioners prays for and is granted time to obtain further instructions and make submissions.
6. At request, list on 13.05.2024.

REKHA PALLI, J

DR.SUDHIR KUMAR JAIN, J

APRIL 16, 2024

Sr/d