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

+ **W.P.(C) 8482/2025 & CM APPL. 36848/2025**

SH. VIJAYANT SINGHPetitioner

Through: Mr. Vijay Sharma and Ms. Swagoti
Batchas, Advs.

versus

UNION OF INDIA THROUGH SECRETARY &
ORS.

.....Respondents

Through: Ms. Arunima Dwivedi, CGSC with
Ms. Pinky Pawar, Mr. Shivam
Sachdeva and Ms. Swati
Jhunjunwala, Advs. for UOI.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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20.06.2025

1. This hearing has been done through hybrid mode.

CM APPL. 36849/2025

2. Allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 8482/2025 & CM APPL. 36848/2025

3. The present petition has been filed, *inter alia*, seeking directions for extension of the Petitioner's tenure in the post of Member (Judicial), Railway Claims Tribunal till completion of a term of 5 years.

4. The case of the Petitioner is that he was appointed to the post of Member (Judicial) in the Railway Claims Tribunal, at the Bhopal Bench, *vide* order dated 23rd June, 2021, issued by the Railway Board, Ministry of Railways. As per the said order, the Petitioner was appointed for a period of



4 years. However, the tenure of the Petitioner was subject to the outcome of the decision of the Supreme Court in *W.P.(C) No. 502/2021* titled *Madras Bar Association v. Union of India & Anr.* The said order reads as under:

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ORDER

Sub: Appointment to the post of Judicial Member in Railway Claims Tribunal (RCT) at Bhopal Bench.

The President is pleased to appoint Shri Vijayant Singh as Judicial Member in Railway Claims Tribunal (RCT) at Bhopal Bench against an existing vacancy with pay of Rs. 2,25,000/- pm for a period of four years from the date of assumption of the charge of the post or till the age of 67 years, whichever is earlier.

2. The appointment of Shri Vijayant Singh shall be governed by the provisions laid down in the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 and subsequent Rules to be notified by the Government. Tenure of appointment shall, however, be subject to the outcome of WP(C) 502/2021, filed by Madras Bar Association at Hon'ble Supreme Court.

3. Shri. Vijayant Singh is advised to take up the new assignment within 05 days from the date of issue of this order.”

5. The Petitioner has continued in service till date and the challenge that has now been raised is that in terms of the judgment passed by the Supreme Court in *Madras Bar Association (supra)*, the Petitioner is entitled to continue in the position of a member for a period of five years or till he attains age of 67 years.

6. Ms. Dwivedi, Id. CGSC, relies upon the decision in *Madras Bar Association (supra)* to argue that the Petitioner cannot be given benefit of the same, as the said decision is clear that the retrospectivity given to the proviso



to Section 184 (11) of the Finance Act, 2017, is only to appointments made till 4th April, 2021 and not thereafter. The relevant portion of the judgment relied upon by Ms. Dwivedi reads as under:

“46. In view of the foregoing discussion, I conclude and hold as follows:

(i) The first proviso to Section 184(1) of the Finance Act, 2017, introduced by Section 12 of the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 is hereby declared void and inoperative. Similarly, the second proviso to Section 184(1) of the Finance Act, 2017, introduced by Section 12 of the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 is held to be void and inoperative.

(ii) Section 184(7) of the Finance Act, 2017 introduced by Section 12 of the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 is hereby declared void and inoperative.

(iii) Section 184(11)(i) and (ii) introduced by Section 12 of the Tribunals (Reforms Rationalisation and Conditions of Service) Ordinance, 2021 are hereby declared as void and unconstitutional.

(iv) Consequently, the declaration of this Court in para 53(iv) of MBA-III shall prevail and the term of Chairperson of a Tribunal shall be five years or till she or he attains the age of 70 years, whichever is earlier and the term of Member of a Tribunal shall be five years or till she or he attains the age of 67 years, whichever is earlier.

(v) The retrospectivity given to the proviso to Section 184(11) – introduced by Section 12 of the Tribunals (Reforms Rationalisation and Conditions of Service) Ordinance, 2021 is hereby upheld; however, without in any manner affecting the appointments made to the post of Chairperson or members of various Tribunals, upto 04.04.2021. In other words, the retrospectivity of



*the provision shall not in any manner affect the tenures of the incumbents appointed as a consequence of this Court's various orders during the interregnum period.
(vi) The writ petition is allowed to the above extent."*

7. Ms. Dwivedi, Id. CGSC also submits that a vacancy circular has already been issued by the Respondent on 27th February, 2025 taking into consideration the vacancy against the Petitioner's position as well. The Petitioner was all along well aware that his tenure would be only four years and has chosen not to challenge the same. The retirement notice is also stated to be served on 10th March, 2025 which is taken on record and reads as under:

NOTICE
Sh. Vijayant Singh, Hon'ble Member (Judicial), Railway Claims Tribunal, Chennai Bench shall retire from the post of Member (Judicial) RCT in the afternoon of 23.06.2025 on completion of 04 years of his term of office."

8. Heard.

9. The present petition has been filed before the Vacation Bench.

10. The Petitioner has all along been aware of the tenure of his appointment as being four years, since 23rd June, 2021. The decision in the ***Madras Bar Association (supra)*** was rendered on 14th July, 2021, however, for the last more than four years the Petitioner has not taken any steps to get the tenure finalised, if there was any ambiguity after the rendering of the said judgement. Just on the even of the four year tenure coming to an end on 23rd June, 2025, the present petition has been filed.

11. The Petitioner had first approached the Supreme Court by the petition under Article 32 of the Constitution of India being ***W.P.(C) No. 546/2025***



titled *Vijyant Singh vs. Union of India & Ors.*, wherein vide order dated 30th May, 2025, the Petitioner was permitted to approach the jurisdictional High Court.

12. After duly considering the last minute filing of this writ petition, considering that the vacancy is already advertised, at this stage the Petitioner's tenure cannot be extended by an interim order.

13. Issue notice.

14. Let counter affidavit be filed within four weeks. Rejoinder, thereto, be filed within four weeks.

15. No ad-interim relief can be granted at this stage.

16. List before the Roster Bench on 25th August, 2025.

PRATHIBA M. SINGH
(VACATION JUDGE)

JUNE 20, 2025

dj/msh