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

+ **W.P.(C) 963/2024**

UNION OF INDIA & ORS.

..... Petitioners

Through: Ms. Pratima N Lakra, Advocate
(through video conferencing).

versus

LAXMI NARAIN

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

22.01.2024

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CM APPL. 3945/2024 (Ex.) & CM APPL. 3947/2024 (Ex. Case Record)

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

W.P.(C) 963/2024 AND CM APPL. 3946/2024 (Stay)

3. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 11.01.2023 passed by the learned Central Administrative Tribunal in O.A. No. 125/2020. Vide the impugned order, the learned Tribunal while allowing the O.A. preferred by the respondent has directed the petitioner to grant him seniority in the post of Inspector (Central Excise) w.e.f. the date on which his counterparts who had appeared in Combined Graduate



Level Examination (CGLE) 2006 were granted.

4. Learned counsel for the petitioner submits that the impugned order is wholly perverse as it fails to appreciate that as way back as on 02.03.2012, vide an order passed in O.A. 3138/2011 filed by the respondent, it was made clear that he would be entitled to get seniority only from the date of his appointment to the post of Inspector (Central Excise), which post he had joined on 06.05.2015. He, therefore, contends that the learned Tribunal having clarified way back on 02.03.2012 that the respondent would not be entitled to claim any benefits meant for candidates of CGLE, 2006, he was estopped from raising any claim in this regard at this stage.

5. Upon the petitioner taking steps, issue notice to the respondent through all permissible modes.

6. Reply/counter affidavit be filed within six weeks. Rejoinder thereto be filed within four weeks thereafter.

7. List on 15th July 2024.

8. Till the next date of hearing, operation of impugned order shall remain stayed.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 22, 2024

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