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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 18656/2025**
UNION OF INDIA THROUGH GENERAL MANAGER
NORTHERN RAILWAY & ANR.Petitioners

Through: Ms. Rashmi Malhotra and
Mr. Shalinder Saini, Advs.

versus

MUKESH KUMAR & ANR.Respondents

Through: Mr. M. S. Saini, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **09.12.2025**

CM APPL. 77549/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 18656/2025 & CM APPL. 77548/2025

2. This petition has been filed challenging the Order dated 14.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 340/2021, titled ***Mukesh Kumar & Anr. v. Union of India through the General Manager & Anr.***, allowing the O.A. filed by the respondents herein with the following directions:

"7. In view of the aforesaid observations, the OA is allowed. The impugned order dated 30.01.2020 is quashed and set aside. The Applicants shall be promoted to the post of Sr. Permanent Way Supervisor in terms of the revised panel prepared in September 2010, by which they were placed at SL. No.10 and 22 respectively, in terms of their merits. The applicants shall be entitled to all the consequential benefits arising out of the



revised panel of 2010, including seniority on notional basis and on actual basis from the date they take over as such, if in service. In case, in the meanwhile, the applicants have already been retired, benefits shall confine only to notional promotion. The actual benefits shall be restricted to 3 years prior to the filing of the instant O.A.”

3. The petitioners further challenge the Order dated 08.07.2025 passed by the learned Tribunal in R.A. No. 104/2025, in O.A. No. 340/2021 whereby the Review Petition filed by the petitioners seeking review of the Impugned Order dated 14.08.2024 has been dismissed by the learned Tribunal.

4. The learned counsel for the petitioners submits that the learned Tribunal failed to appreciate that the respondents had been erroneously placed in the Original Panel and in the Revised Panel, in ignorance of the fact that while respondent no. 2 was a 10th fail, respondent no. 1 had been declared ‘unfit’ for the job of Trackman and found fit in medical category ‘Aye-Three’ for an alternative job of a sedentary nature, not involving walking on uneven ground or on tracks, etc., on a permanent basis on medical grounds. He submits that the Trackman post was the feeder cadre for the post of Sr. PWS (now JE/P. Way). He submits that merely because the panel had to be revised because of an earlier round of litigation, the same could not come to the aid of the respondents.

5. Issue notice.

6. Notice is accepted by Mr. M. S. Saini, the learned counsel appearing on behalf of the respondents.

7. The learned counsel for the respondents, submits that the



revised panel had been approved not only by the learned Tribunal, but also by this Court while dismissing the writ petition filed in challenge thereto. He submits that, therefore, the respondents were entitled to the relief as granted by the learned Tribunal without even having to approach the learned Tribunal. In support, he places reliance on the Judgment of the Supreme Court in ***Lt. Colonel Suprita Chandel v. Union of India & Ors.***, 2024 INSC 942.

8. Having *prima facie* considered the submissions made by the learned parties, we find that the issue as to whether the respondents were at all eligible for being considered for appointment, has not been considered by the learned Tribunal. Merely because they may have been erroneously placed in the panel, would not entitle them to appointment if they were otherwise ineligible.

9. Let a counter affidavit be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

10. In the meantime, there shall be a stay on the enforcement of the Impugned Order dated 14.08.2024.

11. List on 23rd March, 2026.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 9, 2025/b/Rm/ik