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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3634/2017, CM APPL. 16025/2017, CM APPL. 47956/2018
ANUP KUMAR SRIVASTAVAPetitioner

Through: Mr. Pradeep Jain and Mr. Utkarsh
Srivastava, Advocates.

versus

UNION OF INDIA & ORSRespondents

Through: Mr. Vivek Goyal, CGSC with Mr.
Gokul Sharma and Mr. Aryan
Aggarwal, Advocates.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **05.02.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 29899/2022

2. The present application under Order 6 Rule 17 read with Section 151 of CPC seeks the following prayer:

“a) Allow the present Application to amend the Writ Petition as mentioned above

b) pass any other order as deemed fit in the interest of justice, equity and good conscience.”

3. The present application has been filed on behalf of the petitioner on account of the fact that during the pendency of the present proceedings, the order dated 07.12.2017 was passed by learned District and Session Judge on an application seeking review filed by the respondent.

4. As per the aforesaid order, the learned District Judge observed as under:
“It does appear that an error has crept in the orders in as much as this Court while disposing off the appeal. considered the posting in Noida



as an independent posting whereas it was only additional charge of the Commissioner, Appeals, Meerut for part of . the period and he was posted thereafter exclusively as Commissioner, Appeals at Meerut. The new policy though applicable to postings at Noida were not applicable to postings at Meerut. Hence, the observation in the judgment of this Court dated 17.02.17 stands rectified by treating the observation that the benefit of the new policy ought to have been given to the appellant and that the period of his occupation of the quarters from August 2008 to 07.03.2010 be treated as authorized on the basis of such policy stands deleted, as if not made in the original order. Arguments submitted on behalf of the applicant regarding calculation of damages is outside the purview of review and is, therefore, not considered.

The review application is, thus, partly allowed.”

5. It is submitted that on account of the same, the amended petition has been filed to challenge the present order as well.
6. Reply to the application has been filed opposing the request.
7. In these circumstances, in view of the fact that the observation made by way of review order has bearing on the initial order passed and the same has been challenged by the amended petition, the present application is allowed.
8. Amended petition is taken on record.
9. Let a counter affidavit of the amended petition be filed within four weeks, rejoinder, thereto two weeks.
10. List on 14.05.2026 at 03:30 P.M.

AMIT SHARMA, J

FEBRUARY 5, 2026/SH