



2025:DHC:5593-DB



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

Date of decision: 14.07.2025

+ W.P.(C) 9747/2025

UNION OF INDIA AND ORS.

.....Petitioners

Through: Mr. Shailendra Tiwari, Adv.
versus

G K SOTI

.....Respondent

Through: Mr. A.K. Trivedi, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 40769/2025 (Exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 40770/2025 (Re-filing)

2. For the reasons stated in the application, the delay of 35 days in re-filing the writ petition is condoned.

3. The application stands disposed of.

W.P.(C) 9747/2025 & CM APPL. 40768/2025

4. This petition has been filed challenging the Order dated 18.08.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to be as "Tribunal") in OA No. 1054/2020, titled *G.K. Soti v. Union of India & Ors.*, allowing the OA filed by the respondent herein with the following direction:

"6. We have no doubt that Clause (i) of the said RBE Circular No.100/2012 would be attracted in the present facts. Accordingly, the respondents are



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directed to place the case of the applicant before the Screening Committee to consider for extension of the benefit of 2nd financial upgradation under the MACP Scheme. If he is found fit, he shall be extended the same along with all the consequential benefits within a period of ten weeks from the date of receipt of a copy of this Order.”

5. The learned counsel for the petitioner submits that the learned Tribunal has erred in holding that the case of the respondent fell in Clause (i) of the RBE Circular No. 100/2012. He submits that the learned Tribunal failed to appreciate that the case of the respondent was considered for the post of Commercial Apprentice against the 10% quota through LDCE, that is, as a promotional post. He submits that the case of the respondent, therefore, fell in Clause (ii) of the said Circular.

6. The above submission is disputed by the learned counsel for the respondent, who appears on an advance notice, and submits that the respondent has always been treated as direct recruit to the post of Commercial Apprentice.

7. We find that there has been a considerable delay in filing of the present petition. Though the learned counsel for the petitioners submits that the petitioners, in compliance with the direction issued by the learned Tribunal had placed the case of the respondent before the Screening Committee and the Screening Committee had rejected the same by passing speaking orders, the fact remains that by the virtue of the Impugned Order, the case of the respondent was directed to be treated as one falling under Clause (i) of the Circular No. 100/2012.



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This issue could not have been re-opened by the Screening Committee. If the petitioner was aggrieved of the finding given by the learned Tribunal, it should have challenged the same in appropriate proceedings. Having accepted the said finding, the petitioners now cannot challenge the same.

8. In view of the above, leaving the question of law open and directing that the Impugned Order passed by the learned Tribunal shall not be treated as a precedent in other cases, we, dismiss the present petition on the ground of delay and latches.

9. Pending applications, if any, also stands disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 14, 2025

Bsn/pallavi/kz/ik