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

Date of decision: 19.03.2025

+ W.P.(C) 90/2016

SAURAV KUMAR AND ORS

.....Petitioners

Through: Ms. Anu Chatrath, Senior Advocate with Mr. Pranav Sachdeva, Mr. Ritik Chatrath Kapur, Mr. Jatin Bhardwaj and Mr. Abhay Nair, Advs.

versus

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

.....Respondent

Through: Mr. Praveen Swarup, Ms. Archana Sharma, Mr. Devesh Maurya, Mr. Ravi Kumar, Mr. Sukhamrit, Advs.
Mr. Arun Sanwal, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

REVIEW PET. 11/2022 & CM APPL. 2147/2022, CM APPL. 2148/2022

1. By the present review petition, the petitioner seeks a review of the Judgment dated 03.03.2016 passed by this Court in the above mentioned writ petition. Applications have also been filed seeking permission to file the instant review petition and seeking condonation of delay in filing of the same.

2. The learned senior counsel appearing for the petitioners submits



that the petitioners in the writ petition are not identically situated to the petitioners in the review petition; the writ petitioners were appointed under the 'Quick Hire Scheme' floated by the respondent, whereas the review petitioners have been appointed against the amended Rules for Recruitment and Assessment Promotion of CSIR Scientists applicable with effect from 01.06.2011. She submits that, therefore, the Judgment dated 03.03.2016 is not applicable to the review petitioners.

3. The learned counsel for the respondent, on the other hand, has drawn our attention to the Order dated 04.05.2016 passed by this Court in CM APPL. Nos. 15769-15770/2016, to contend that the plea raised by the review petitioners can be taken in their own independent proceedings, and whether the Judgment dated 03.03.2016 can be applied to them has to be determined in those proceedings.

4. We find merit in the contention raised by the learned counsel for the respondent.

5. This Court, in its Order dated 04.05.2016, has already clarified this position by observing as under:-

“CM Nos. 15769-15770/2016

We do not think any clarification or order is required. The legal ratio decided will be binding.

Learned counsel for the applicants submits that their facts and the regulations applicable are different and, therefore, the ratio would not be applicable. This is a contention which the applicants may raise before the tribunal and it will be for the tribunal to decide whether the legal ratio vide judgment dated 3rd March, 2016 will be applicable or not. We would not comment and make any observation

