



2026:DHC:1744-DB



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

Date of Decision: 25.02.2026

+ W.P.(C) 2635/2026, CM APPL. 12793/2026 and CM APPL. 12794/2026

UNION OF INDIA AND ORSPetitioners

Through: Mr. Himanshu Pathak, Adv.

versus

MS. CHETANA KANDPAL AND ORSRespondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.:

1. By way of the present Petition, the Petitioners assail the correctness of the order dated 24.12.2024 [hereinafter referred to as 'Impugned Order'] passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'] in O.A. No.3957/2024 titled *Ms. Chetana Kandpal vs. Union of India & Ors.*

2. By the Impugned Order, the Tribunal disposed of the aforesaid Original Application with a direction to the competent authority amongst the Petitioners to notify the new Recruitment Rules ['RRs'] within a period of two months from the date of receipt of the certified copy of the order. The said direction pertained to the proposed RR's governing promotion to the Junior Time Scale ['JTS'] in the Indian



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Corporate Law Service [‘ICLS’], Ministry of Corporate Affairs. The Tribunal further directed that in the event the new RRs are not notified within the stipulated period, the Petitioners shall proceed with the draft RRs finalized at the Ministry level while conducting future Departmental Promotion Committees [‘DPCs’].

3. The Respondents herein, who were Applicants before the Tribunal, are Company Prosecutors serving in the ICLS, a Group ‘A’ service under the Ministry of Corporate Affairs. Under the ICLS RRs, 2015, promotion to JTS is stipulated as 60% by Direct Recruitment and 40% by Promotion. The feeder cadres include, *inter alia*, Company Prosecutor and Senior Technical Assistant, the other feeder categories, namely Superintendent-cum-Accountant and Investigating Officer, being stated to be presently non-functional. The Rules, however, do not prescribe any inter se quota or ratio between the feeder cadres for the purposes of promotion.

4. At the outset, it is required to be noticed that the Impugned Order was passed on 24.12.2024. The present Writ Petition has been instituted in February, 2026, more than one year thereafter. Admittedly, during this entire period, the direction issued by the Tribunal has not been complied with.

5. On a specific query from the Court as to what prevented the Petitioners from either complying with the Impugned Order or approaching this Court within a reasonable time, learned counsel for the Petitioners candidly submitted that the concerned file was under administrative consideration and was moving at various levels, and



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that a final decision was awaited. The explanation does not satisfactorily justify the delay and reflects prolonged administrative inaction.

6. It is pertinent to note that even prior to the present Original Application, similarly situated employees had approached the Tribunal by filing O.A. No. 249/2023 raising grievances regarding stagnation in promotional avenues. By order dated 12.04.2023, the Tribunal directed the authorities to decide the representations of the employees within four weeks and thereafter proceed in accordance with law. Despite such directions, the issue has remained unresolved.

7. The record further reflects that draft Recruitment Rules proposing, *inter alia*, fixation of a ratio between Company Prosecutors and Senior Technical Assistants for promotion to the JTS were prepared and finalized at the Ministry level as early as 08.01.2024. As reflected in the counter affidavit filed before the Tribunal, the proposal incorporating a 4:7 ratio between the two feeder cadres stood finalized at the Ministry level and was under process for notification. However, despite the lapse of considerable time, the said Rules have not been notified.

8. It has also been brought to the notice of this Court that the DPC for vacancy years 2022 and 2023 was at the final stages, however the said DPCs have not culminated in finalized promotions. In fact, the DPC for vacancy year 2024 was also stated to be pending. As of now, even the year 2026 has commenced. The cumulative effect of this prolonged delay is stagnation in the service progression of eligible



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Group 'A' officers. The Tribunal, while passing the Impugned Order, took note of the prolonged administrative delay and sought to ensure that the executive takes a definitive position within a reasonable timeframe.

9. The scope of judicial review under Articles 226 and 227 over orders passed by the Central Administrative Tribunal is limited. Interference is warranted only where the order suffers from patent illegality, jurisdictional error, perversity, or manifest arbitrariness.

10. Tested on the aforesaid parameters, the Tribunal has neither amended the statutory Recruitment Rules nor framed any policy of its own. It has merely directed the executive to conclude a process which the executive itself initiated and finalized at the Ministry level, but has failed to notify despite lapse of time. A direction to complete a pending administrative exercise within a reasonable period cannot be characterized as judicial overreach, particularly when earlier directions in that regard had remained unimplemented.

11. Equally significant is the conduct of the Petitioners. Having allowed the Impugned Order to remain unchallenged for over one year and having failed to comply with the directions issued therein, the Petitioners cannot now seek discretionary relief under Article 226 of the Constitution of India. The extraordinary jurisdiction of this Court is equitable in nature. A party that allows the matter to remain unattended for over a year despite subsisting judicial directions cannot ordinarily seek equitable indulgence in exercise of writ jurisdiction.

12. The explanation that the file was moving from one desk to



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another does not inspire confidence. Administrative consultation and procedural formalities cannot be permitted to become a pretext for indefinite postponement of decisions affecting promotional avenues of public servants. The Tribunal's direction was aimed at breaking precisely such administrative inertia.

13. In view of the aforesaid discussion, this Court does not find it appropriate to interfere with the Impugned Order, particularly at this belated stage when the Petition has been filed after more than one year, the Petitioners have not complied with the direction, the delay has resulted in continued stagnation, and the draft Recruitment Rules already stand finalized at the Ministry level. No jurisdictional error or perversity is demonstrated in the Impugned Order warranting interference.

14. Accordingly, the present Writ Petition, along with the pending applications, stands dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 25, 2026

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