



2025:DHC:10931-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 03.12.2025***

+ W.P.(C) 12039/2025 & CM APPL. 49099/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Ms. Pratima N Lakra, CGSC
with Ms. Mansi Aggawal and
Mr.Priyam Sharma, Advs.

versus

SH. A. HAQUE, IAS & ORS.

.....Respondents

Through: Mr. Rakesh Munjal, Sr. Adv.
with Mr. U. N. Singh, Advs.
Mr. M. K. Bhardwaj,
Ms.Priyanka Bhardwaj and
Mr.Praveen Kaushik, Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed challenging the Order dated 29.01.2025 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. 3569/2022, titled *Sh. A. Haque, IAS & Ors. v. Union of India through its Secretary & Ors.*, whereby the learned Tribunal was pleased to dispose of the O.A. filed by the respondents herein with the following observations and directions:

"5.1 On the analogy of the decision rendered in O.A. No. 2808/2022 titled as Sanjeev Kumar Yadav & Ors.(supra), we are of the view that the present O.A. has to be allowed, in light of the observations so made by this Tribunal. Accordingly, we quash and set aside the



impugned order dated 29.08.2022 and direct the respondents to redraw the seniority of applicants by extending the benefit of order dated 29.05.2015 in OA No. 2982/2012 upheld by Hon'ble Delhi High Court and Hon'ble Supreme Court and count the approved service from fixation of seniority into IAS from 1st July of the year following year of examination and pass consequential order. These directions shall be complied with by the respondents within a period of 12 weeks from the date of receipt of a certified copy of this order. Consequential benefits insofar as fixation of seniority on notional basis be ordered and actual benefit shall be granted from the date of filing of this O.A.”

2. The learned counsel for the petitioners submits that the respondents had approached the learned Tribunal with a plea that the petitioners should count the “approved service” of the respondents for the purpose of fixation of seniority into IAS, from 1st July of the year following the year of examination. She submits that in the Indian Administration Service (Regulation of Seniority) Rules, 1987, there is no concept of “approved service” being considered for purposes of determining seniority. She submits that therefore, the said concept was totally extraneous to the Rules, though may be relevant for the DANICS.

3. On the other hand, the learned counsel for the respondents submits that for the DANIPS, the petitioners are using the concept of “approved service” for determining ‘continuous service’. He submits that there is no reason as to why the benefit of “approved service”, as provided for in the Rule 3 of Indian Police Service (Regulation of Seniority) Rules, should not be used for the IAS.



4. We have considered the submissions made by the learned counsels for the parties.

5. At the outset, we may note that the learned Tribunal has not considered the aspect of the claim of the respondents seeking parity with the DANIPS at all. The learned Tribunal, as would be evident from the quotation given hereinabove, has simply placed reliance on the Order dated 29.05.2015 passed by the learned Tribunal in O.A. 2982/2012, titled *Sh. R.A. Sanjeev & Ors. v. Union of India & Ors.* The said Judgment, as would be evident from the Judgment of this Court in *Union of India & Ors. v. R.A. Sanjeev & Ors.* 2016:DHC:5779-DB, was on the applicability of amended Rule 3 of the Indian Police Service (Regulation of Seniority) Rules, 1988, being applicable to officers who were appointed as IPS prior to the amendment. This Court after considering the Rule position, held as under:

*“16. In the light of the aforesaid discussion, we find that the Tribunal was right in holding that the weightage formula applicable in the case of the respondents would be as per the unamended sub-rule (3) to Rule 3, which was in force on the date when the respondents were appointed to the Indian Police Service on 16 December, 2011. The weightage formula introduced by the amended Rules, which was given effect from 18th April, 2012, would not be applicable to the case of the respondents as the respondents had already been appointed in the IPS earlier in point of time, i.e. on 16th December, 2011. The extant rule, as applicable in the year in which the respondents were appointed in the Indian Police Service, would determine the weightage for past service to be given to the respondents.
17. Learned counsel for the petitioner*



submitted that if we accept the plea of the respondents, it would result in iniquitous results, for the respondents would be entitled to weightage benefits but the same would be available to those who join after 18 April, 2012. This is correct, but this is also the natural consequence and effect when an amendment to the weightage formula is made. The petitioners concerns, we feel are somewhat misplaced as the benefit of weightage formula would be only available to a limited number of candidates/officers, who were selected and appointed prior to 18 April, 2012. 2012. The first proviso first proviso to sub-rule (3) to Rule 3 would, to a large extent, negate the apprehension and concern of the petitioners. The said proviso stipulates that an appointee, who has gained weightage in 3(3) (ii) shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that select list or appointed to service on the basis of an earlier select list. The respondents, therefore, cannot claim entitlement of year of allotment to the service prior to the last selected candidate in the earlier select list i.e. select list of 2009. The impugned decision would not, in any manner, undo or override the effect and mandate of the proviso.”

6. The issue whether the concept of ‘approved service’ is to apply for determining seniority for the IAS under the Indian Administrative Service (Regulation of Seniority) Rules, 1987, was not an issue before the Court at all. The said Judgment, therefore, could not have formed the basis for disposing of the O.A. filed by the respondents herein.

7. In view of the above, we have no option but to set aside the Impugned Order passed by the learned Tribunal.

8. The matter is remanded back to the learned Tribunal for



determining it afresh, in light of the prayers made by the respondents in the O.A., which for purposes of clarity we reproduce herein below:

“(i) To quash and set aside the impugned Order No. 14040/19/2018.UTS-I dated 29.08.2022 and direct the respondents to re-determine the seniority of applicants on induction to LAS by counting the 'Approved Service as done in the case of DANIPS officers vide order dated 28.04.2018.

(ii) To declare the action of respondents in not re-determining seniority of applicants on induction into LAS by applying the same criteria as applied in case of DANIPS vide order dated 28.04.2018 as illegal and direct the respondents to redraw the seniority of applicants by extending the benefit of order dated 29.05.2015 in OA No. 2982/2012 upheld by Hon'ble Delhi High Court and Hon'ble Supreme Court.

(iii) To direct the respondents to count the approved service of applicants for the purpose of fixation of seniority into IAS from 1st July of the year following the year of examination and pass consequential order as done in the case of IPS.

(iv) To allow the OA with cost.

(v) To pass any such other order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the 41 case.”

9. The parties shall appear before the learned Tribunal on 22.12.2025. We request the learned Tribunal to expedite the hearing of the O.A.

10. We make it clear that we have not examined the case of either parties on the prayers made in the O.A. and the same shall be considered by the learned Tribunal in accordance with law.

