



\$~31 & 42

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

Date of decision: 06.10.2025

(31)+ W.P.(C) 15087/2025

VAIBHAV MALIK

.....Petitioner

Through: Ms. Sagrika Wadhwa, Adv

versus

DELHI DEVELOPMENT AUTHORITY AND OTHERS

.....Respondents

Through: Mr. Arun Birbal, Adv. for DDA

Mr. Yudhvir Singh Chauhan,

Adv. for R2

(42)+ W.P.(C) 15291/2025 & C.M. APPLs. 62714-15/2025

VAIBHAV MALIK

.....Petitioner

Through: Ms. Sagrika Wadhwa, Adv

versus

DELHI DEVELOPMENT AUTHORITY AND OTHERS

.....Respondents

Through: Mr. Arun Birbal, Adv. for DDA

Mr. Sachin Chauhan and Mr.

Abhimanyu Baliyan, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. These petitions have been filed by the petitioner, challenging the Order dated 19.09.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1073/2025 and O.A. No. 3584/2025, whereby an *interim* order was passed directing the respondent no.1, that is, the Delhi Development Authority (DDA), not



to conduct the Limited Departmental Competitive Examination (LDCE) for the post of Assistant Section Officer (ASO) till the next date of hearing of the said O.As. before the learned Tribunal.

2. The aforesaid O.As. have been filed by the private respondents herein, *inter alia*, praying that the LDCE should be held only after framing the relevant rules and regulations pertaining to evaluation criteria, year-wise panels, etc. The primary grievance of the private respondents is that the Departmental Promotion Committee (DPC) has not been convened for regular promotions and that, if the LDCE is conducted prior thereto, their seniority would be adversely affected.

3. Impressed by these submissions, the learned Tribunal passed the Impugned Order, observing as under:

“21. However, on consideration on point of interim, we are of the view that before holding the Limited Departmental Competitive Examination (LDCE), the respondents ought to constitute the Departmental Promotion Committee (DPC) in terms of the Recruitment Rules. As per the Recruitment Regulations, the post of Assistant Section Officer (ASO) is to be filled as under:

- *50% by promotion from Senior Secretariat Assistants (SSAs) with the prescribed qualifying service;*
- *25% by Limited Departmental Competitive Examination (LDCE); and*
- *25% by Direct Recruitment*

22. It appears that prejudice would be caused to the applicants if the DPC is not held, as they may lose their chance of promotion through the DPC route. It is also noted that the DDA has not conducted the LDCE examination for more than one year due to its own administrative reasons. The conduct of the LDCE was earlier challenged before a competent court, but there is no subsisting stay



order. Nevertheless, the respondents have not conducted the examination.

23. In view of the above, the respondents/DDA are directed to file a counter-reply on merits and also explaining:

1. Why they have not been able to hold the LDCE for more than one year; 2. Why they have not convened the DPC for the current year as per the model calendar; and 3. What steps are being taken by them to conduct the DPC.

XXX

25. Since the balance of convenience lies in favour of the applicants and a prima facie case is also made out. There shall be a stay with respect to the LDCE examination till the next date.”

4. Issue notice.
5. Notice is accepted by the learned counsels for the respective respondents.
6. The learned counsels appearing for the private respondents vehemently submit that there are important issues to be considered by the learned Tribunal in the above O.As., including the determination of the effective date for promotion to the post of Assistant Section Officer. They submit that the LDCE has not been conducted since 2022 and, therefore, no prejudice would be caused if it is deferred until the next date of hearing before the learned Tribunal.
7. They further submit that the petitioner has no *locus standi* to file the present petitions, inasmuch as, he was not a party in the O.As. filed before and pending adjudication before the learned Tribunal.
8. With the consent of the learned counsels for the parties, we have taken up these petitions for final hearing.
9. As is evident from the Impugned Order, the sole ground on



which the learned Tribunal passed the *interim* order is that prejudice may be caused to the private respondents if the DPC is not held prior to the LDCE.

10. The learned Tribunal itself noted that there are three modes of appointment to the post of Assistant Section Officer, which are as under:

- 50% by promotion from Senior Secretariat Assistants (SSAs) with the prescribed qualifying service;
- 25% by Limited Departmental Competitive Examination (LDCE); and
- 25% by Direct Recruitment

11. Merely because the DPC, for some reason, has not been conducted, which is, in fact, denied by the learned counsel appearing for respondent no. 1, who submits that the DPC has been held up to the year 2025, cannot be a valid ground to restrain the conduct of the LDCE, which is a separate mode of recruitment/selection to the post. While there can be no dispute that the DPC must also be held, these two modes of recruitment being independent, one cannot be stalled on account of the other being delayed.

12. It is also not in dispute that even the private respondents are entitled to participate in the said process.

13. The learned Tribunal has itself noted that LDCE has not been held since 2022. This may yet be another reason to, in fact, hold the LDCE rather than restrain it.

14. As far as the *locus standi* of the petitioner to file the present petitions is concerned, we find that the onus was, in fact, on the respondents to implead all parties who would be affected by the



interim order sought by them in their O.As. We are further informed that the petitioner has moved an application seeking his impleadment in O.A. No. 1073/2025, which is still pending adjudication before the learned Tribunal.

15. Be that as it may, since the petitioner is affected by the *interim* order passed by the learned Tribunal, he would have the *locus standi* to challenge the same by way of these petitions. We, therefore, reject the objection raised by the learned counsels for the private respondents.

16. In view of the above, we find that the learned Tribunal erred in restraining the respondent no. 1 from conducting the LDCE. We, therefore, vacate the *interim* order passed by the learned Tribunal.

17. We, however, make it clear that we have not examined the merits of the dispute raised by the private respondents, which is pending adjudication before the learned Tribunal in the aforesaid O.As. The same shall be adjudicated by the learned Tribunal on its own merits. We further clarify that, in case the private respondents succeed in their challenge, the mere holding of the LDCE shall not prejudice or affect their rights, if any.

18. The petitions are disposed of in the above terms. The pending applications, if any, also stand disposed of.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 6, 2025/ys/Av/Yg/DG