



2025:DHC:400-DB



§~4 (SPL. DB)

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CM APPL. 3052/2025, CM APPL. 3053/2025, CM APPL.  
3054/2025 & REVIEW PET. 27/2025 IN W.P.(C) 14573/2022

UNION PUBLIC SERVICE COMMISSION .....Petitioner  
Through: Mr. Naresh Kaushik, Sr.  
Advocate with Mr. Ravinder Agarwal and  
Mr. Lekh Raj Singh, Advocates.  
versus

SHRI RAJENDER SINGH & ORS. ....Respondents  
Through: Mr. A.K. Behera, Sr. Adv. with  
Ms. Sonika Gill, Adv.  
Mr. Jivesh Kr. Tiwari, SPC for R-2&3

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**ORDER (ORAL)**

**17.01.2025**

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**C. HARI SHANKAR, J.**

1. The writ petition, in which the present review petition has been filed, was directed against judgment dated 30 March 2022 passed by the Central Administrative Tribunal<sup>1</sup> in OA 492/2015. Para 9 of the said decision reads as under:

“9. UPSC issued notification dated 10.03.2012 for conducting the ESE - 2012 to the services/posts under different categories for different Departments/Ministries, with the following functional classifications as mentioned in Para 9 of the notification:-

“Code	Functions
<b>BL</b>	<b>1. both legs affected but one arms.</b>
<b>BA</b>	<b>2. Both arms affected.</b>

<sup>1</sup> “Tribunal” hereinafter



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			a. impaired reach
			b. weakness of grip
BLA	3.	both legs and both arms affected	
OL	4.	One leg affected (R or L)	a. impaired reach b. Weakness of grip c. ataxic
OA	5.	One arm affected (R or L)	a. Impaired reach b. Weakness of grip c. ataxic
BH	6.	Stiff back and hips (cannot sit or stood)	
MW	7.	Muscular weakness and limited physical endurance	
B.	8.	The blind	
PB.	9.	Partially blind	
D	10.	The deaf	
PD	11.	Partially deaf	

2. Despite being impleaded as Respondent 1 before the Tribunal, the review petitioner Ministry of Railways did not choose to assail the said decision. The Union Public Service Commission<sup>2</sup>, however, filed RA 41/2022 which was also dismissed by the Tribunal *vide* order dated 13 June 2022.

3. Even at this stage, Respondent 1 did not seek to ventilate any grievance. The UPSC came up before this Court by way of WP(C) 14573/2022, in which the judgment under review has come to be passed. The review petitioners were Respondents 2 and 3 in the said writ petition. The writ petition has been disposed of with the following directions:

“13. Having heard learned counsel appearing for the parties and

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<sup>2</sup> “UPSC” hereinafter



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on perusal of this case, we find that the stand of UPSC before this Court is that the case of the respondent No.1 has already been forwarded to respondents No.2 & 3 i.e. Ministry of Railways and the allocation has to be done by the concerned Ministry. However, it is not disputed that respondent No. 1 has already initiated the contempt proceedings against the petitioner. In such facts of the case, this Court finds that the decision on respondent's case has to be now taken by respondents No.2 & 3 and the role assigned to the petitioner-UPSC is over once the case has been forwarded to respondents No.2 & 3 in compliance of directions passed by the learned Tribunal.

14. As such, there was no occasion for UPSC to challenge the order dated 30.03.2022, as the final call has to be now taken by respondents No.2 & 3. In our view, nothing survives for consideration in the present petition and accordingly the same is accordingly dismissed.”

4. It is at this stage that the Ministry of Railways has woken up and filed the present review petition, seeking review of the order dated 9 September 2024 passed by us in the writ petition.

5. We have heard Mr. Tiwari, learned Counsel, Mr. Agarwal, learned Counsel and Mr. Behera, learned Senior Counsel for the parties at length.

6. There is obviously no error apparent in the judgment dated 9 September 2024 under review. Mr. Tiwari is unable to point out any error in the said judgment. He, however, submits that he was constrained to file the present review petition as this Court has issued directives to the Ministry of Railways.

7. We have done no such thing. We have only noted the fact that, once the UPSC had forwarded the matter to Respondents 2 and 3, it was on Respondents 2 and 3 to take decision in the matter.



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8. Needless to say, as Respondent 2 and 3 never chose to challenge the judgment of the Tribunal, either by way of review or by way of writ petition, the decision taken by Respondents 2 and 3 would have to be in sync with the judgment of the Tribunal.

9. No case for review is made out. The review petition is accordingly dismissed.

10. Pending applications also stand dismissed.

**C.HARI SHANKAR, J.**

**GIRISH KATHPALIA, J.**

**JANUARY 17, 2025**

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[Click here to check corrigendum, if any](#)