



2025:DHC:1384-DB



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

+ W.P.(C) 2534/2025 and CM APPLs. 11966-68/2025

NATIONAL TECHNICAL RESEARCH
ORGANISATION & ORS.

.....Petitioners

Through: Ms. Arunima Dwivedi, CGSC

versus

DINESH KUMAR

.....Respondent

Through: Ms. Ridhi Dua for Mr. Sachin
Chauhan, Advocate

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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28.02.2025

C.HARI SHANKAR, J.

1. The order challenged in this writ petition reads thus:

“We would have passed common order(s) in all the cases. However, request was made on behalf of official respondents to pass separate order(s) in each OA for taking appropriate action and administrative measures. We accept the said plea.

2. Learned counsel for the parties submit that the issue raised in this OA stands concluded by the decision of this Tribunal titled as **Vikas Kumar Sain V/s Staff Selection Commission and Ors.**¹ decided on 22.04.2024.

3. For parity of reasons, we allow the present OA in terms of the directions given in the aforesaid OA. However, for the sake of the convenience, the directions given by the Tribunal in Vikas Kumar Sain (Supra) case are reproduced below:-

¹ Order dated 22 April 2024 in OA No. 3726/2023



“9. We deem fit and proper to dispose of all the OAs with the directions that provisional offer of appointment is made absolute, however, subject to stipulation that the same shall be subject to the outcome of the enquiry, if any, against any particular individual.

10. We also clarify that any findings qua the applicant(s) herein and the similarly situated where there any adverse finding in enquiry, the same shall always be open to challenge without prejudice to the right and contention of the either parties who may seek appropriate relief(s) by way of appropriate remedy at the appropriate stage.

11. In view of the above, we further direct the respondents to issue a provisional offer of appointment to all the applicants and similarly placed candidates preferably within 30 days from the date of receipt of a certified copy of this order with a rider that the same shall be subject to outcome of enquiry, if any. It is expected that final decision shall be taken by the respondents authorities qua the Enquiry Report within 60 days from today. It is also made clear, in the event the enquiry found in favor of the applicant or similarly situated person(s), the said provisional offer shall culminate into issuance of the final offer of appointment within 45 days from the date of acceptance of enquiry report. Further in the event, the respondents are to take administrative/departmental action based on the enquiry report, needless to say a show cause notice shall be given before passing any adverse order of cancellation of provisional offer of appointment qua any candidate. The consequential benefit(s) shall flow on a notional basis at par with the last candidate selected in respective category. The present OA stands disposed of. Associated MA(s) also stands disposed of. No costs.”

4. In view of the above, this OA is also disposed of in the light of aforesaid directions. No order as to costs.”

2. The contention of Ms. Dwivedi, who appears for the petitioners is that the main contesting party before the Tribunal was the Staff Selection Commission and that if the impugned order is to apply to NTRO, who is the petitioner before us, it would create several difficulties.



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3. In view of the nature of the order passed, we find it difficult for us to interfere with the order under Article 226 of the Constitution. The Tribunal has plainly acted as per the submissions made by the parties, including the respondents before it.

4. We, therefore, dispose of the writ petition, reserving liberty with the petitioners, to move an appropriate application before the Tribunal, whether by way of review or any other application as advised, in accordance with law. Any such application, if and when moved, would be decided by the Tribunal on its own merits.

5. The writ petition is disposed of.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 28, 2025/yg

Click here to check corrigendum, if any