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

Date of decision: 12.08.2025

**(17)+ W.P.(C) 16425/2022 & CM APPL. 51596/2022, 1625/2025,
23984/2025**

UNION OF INDIA

.....Petitioner

Through: Mr.Balendu Shekhar, CGSC,
Mr.Krishana Chaitanya,
Mr.Rajkumar Maurya,
Mr.Divansh Singh Dev,
Ms.Tanisha Samanta, Advs.

versus

PRAKASH PANT & ORS.

.....Respondents

Through: Mr.S.Sunil Adv. for R-1 to 32.
Mr. Bahar U. Barqi, Adv. for
R-64 to 68.

(18)+ W.P.(C) 796/2023 & CM APPL. 3084/2023, 3086/2023

DIVYANSHU KUMAR AND ORS

.....Petitioners

Through: Mr.M.K. Bhardwaj, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Subhash Tanwar, CGSC
with Mr. Sandeep Mishra, Ms.
Bhavi Garg, Mr. Naveen, Advs.
for UOI
Mr.S.Sunil Adv for R-3 to 34.

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 petitioners, challenging the Order dated 02.08.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No.2586/2019, titled ***Prakash Pant & Ors. v. Union of India & Ors.***, allowing the O.A. filed by the respondent nos.1 to 32 herein in the following terms:

“9. Accordingly, the seniority lists as impugned in the OA are set aside and direction is issued to the concerned competent authority amongst the respondents to re-draw the same strictly in accordance with the extant DoP&T Memorandum on the subject and in the light of the judgments and pronouncements of the Hon'ble Apex Court specifically the judgment rendered by the Hon'ble Supreme Court in K. Meghachandra (Supra). The respondents shall complete the aforesaid exercise within a period of 12 weeks from date of this order.”

2. The learned counsels for the petitioners submit that the learned Tribunal has failed to appreciate that the O.A. before it was barred by limitation as prescribed under Section 21 of the Administrative Tribunal Act, 1985. They submit that, by way of the said O.A., the respondents had challenged, *inter alia*, the final seniority lists issued on 05.05.2016, 08.06.2017, and 20.04.2018, however, the O.A. was filed only in or about August 2019. Therefore, the claim against the seniority lists from 2015 to 2018 was barred by limitation. The learned Tribunal, without considering this issue, passed the Impugned Order.

3. The learned counsels for the petitioners place reliance on the



Judgment of the Supreme Court in *Secretary to Govt. of India & Ors. v. Shivram Mahadu Gaikwad*, 1995 Supp (3) SCC 231, and *The Chief Executive Officer & Ors. v. S.Lalitha & Ors* 2025 SCC OnLine SC 916, in support of their submission that, without considering the question of delay, relief could not have been granted to the respondents.

4. They further submit that the learned Tribunal failed to appreciate the exception carved out by the Supreme Court in *K. Meghachandra Singh & Ors. v. Ningam Siro & Ors.* (2020) 5 SCC 689, by prescribing that the seniority list already settled under the earlier Judgment of the Supreme Court in *N.R. Parmar v. Union of India & Ors.*, (2012) 13 SCC 340, would be preserved and shall not be reopened. They submit that the seniority lists from 2015 to 2018 had already been settled and implemented, and therefore, could not have been reopened by the learned Tribunal merely on account of the Judgment in *K. Meghachandra Singh* (supra). They further submit that even the seniority list of 2020 was based on the earlier seniority list, and any challenge thereto was equally liable to be dismissed.

5. On the other hand, the learned counsel for the respondents submits that the seniority lists of 2015 to 2018 were not in terms of the judgment of the Supreme Court in *N.R. Parmar* (supra), but were purportedly based on the Office Memorandums dated 07.02.1986 and 03.07.1986, with respect to the officers who had been appointed through direct recruitment or promotion prior to 27.11.2012, and on the basis of the Office Memorandum dated 04.03.2014, for officers appointed post 27.11.2012. In support of his submission, he places



reliance on the Office Memorandum No.F.No.A-23012/I/2015-IIS/386 dated 10.05.2016. He submits that, therefore, the seniority lists would not be protected by the exception or the prospective overruling of *N.R. Parmar* (supra) by *K. Meghachandra Singh* (supra).

6. As far as the plea of limitation is concerned, the learned counsel for the respondents placed reliance on the Order dated 30.08.2019 passed by the learned Tribunal, allowing the M.A. No.2829/2019 and condoning the delay of 980 days in filing the O.A. He submits that this order has not been challenged by the petitioners and has attained finality.

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

8. Having perused the Impugned Order passed by the learned Tribunal, we find that the learned Tribunal has not given any finding on the plea of the respondents that the seniority lists issued in 2015 to 2018 were not in terms of the Judgment of the Supreme Court in *N. R. Parmar* (supra), nor have the seniority lists been quashed on that basis. By the Impugned Order, the seniority lists have been quashed, relying solely on the judgment of the Supreme Court in *K. Meghachandra Singh* (supra), without considering the exception or prospective overruling provided in that judgment with respect to the seniority lists already settled by applying the principles laid down by *N.R. Parmar* (supra). We quote from the Judgment of *K. Meghachandra Singh* (supra) as under:

“39.Accordingly, the decision in *N.R.*



Parmar [Union of India v. N.R. Parmar, (2012) 13 SCC 340: (2013) 3 SCC (L&S) 711] is overruled. However, it is made clear that this decision will not affect the inter se seniority already based on N.R. Parmar [Union of India v. N.R. Parmar, (2012) 13 SCC 340: (2013) 3 SCC (L&S) 711] and the same is protected. This decision will apply prospectively except where seniority is to be fixed under the relevant rules from the date of vacancy/the date of advertisement.”

9. In view of the above, we set aside the Impugned Order passed by the learned Tribunal and remand the matter back to the learned Tribunal to determine whether the seniority lists from 2015 to 2018 were in accordance with the judgment of the Supreme Court in **N.R. Parmar** (supra) and, if so, the effect on the same in view of the exception/prospective overruling as stipulated in **K. Meghachandra Singh** (supra).

10. Accordingly, the Original Application filed by the respondent is restored to its original number before the learned Tribunal.

11. The parties shall appear before the learned Tribunal on 03.09.2025.

12. As far as the question of limitation is concerned, in view of the order dated 30.08.2019, we need not go into this issue at all.

13. We make it clear that we have not expressed any opinion on the merits of the submissions made by either party regarding the plea concerning the seniority lists, which shall be determined by the learned Tribunal on its own merits.

14. At this stage, the learned counsel appearing for the applicants in



CM Nos. 30290/2024 and 48816/2024 submits that the applicants are in no manner connected with the *inter se* disputes between the petitioners and the contesting respondents, or with the validity of the seniority lists in question. He submits that the applicants were already holding the post of JTS in their own seniority, to which there is no dispute by either party.

15. He submits that, due to the *Interim* Order dated 09.02.2024, which has restrained the Union of India from making further promotions from the post of JTS, the cases for promotion of the applicants have not been considered.

16. The above submission is not disputed by the learned counsel appearing for the private petitioners or by the learned counsel for the respondent.

17. Keeping in view that the applicants and others may not be affected by the *inter se* dispute with respect to the seniority list of 2015 to 2018, having already been promoted to the post of JTS from a prior date, their cases for further promotion cannot be made a subject matter of the outcome of the O.A., which we have restored. Accordingly, the *interim order* shall not operate against these officers, and their cases for promotion shall be considered further in accordance with law.

18. As far as the persons affected by the disputes remanded back to the learned Tribunal are concerned, the interim order shall continue to operate.

19. We make it clear that this would, however, not preclude the learned Tribunal from considering further modification or vacation of



2025:DHC:6802-DB



the interim order after hearing the parties.

20. Given the fact that the dispute involves the seniority lists from 2015 onwards and that further promotions are being stalled, we request the learned Tribunal to expedite the hearing and decide the matter, preferably within six months from the first listing.

21. The petitions are disposed of in the above terms. The pending applications are also disposed of as being infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 12, 2025/Arya