



2025:DHC:6869-DB



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

Date of decision: 13.08.2025

+ W.P.(C) 10790/2025 & CM APPL. 44578/2025
PANKAJ ANAND & ORS.

.....Petitioners

Through: Ms.Sarv Mangla, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Syed Abdul Haseeb, CGSC
with Mr.Tabish Zia and
Mr.Tanveer Zaki, Adv. and
Mr.Ashish Bhardwaj, CLA and
Mr.Govind, OS

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 13.02.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.1069/2022, titled *Sh. Pankaj Anand & Ors. v. Union of India & Ors.*, dismissing the said O.A. filed by the petitioners herein.

2. The petitioners had filed the above O.A. challenging the Order dated 01.04.2022, by which the respondents decided to cancel the



selection process for the post of Junior Engineer/C&W which had been initiated pursuant to a notification issued by the respondent no.2 on 03.03.2021.

3. For cancelling the said selection process, the respondents had alleged the following discrepancies in the same:

“i. That seating arrangement of the candidates in written examination was not proper.

ii. That complete APARs were provided to the DPC after delay of more than 02(Two) months from the date of declaration of written test result.

iii. That the overage candidates appeared in the selection.

iv. That the CCTV footage was not preserved.

v. That there was number of irregularities on part of coding/decoding officer was found.

vi. That two thumb impressions were found on the OMR sheet instead of one.

vii. That due to irregularities in the selection, number of complaints sent to the vigilance department for irregularities in the selection, resulting thereof vigilance department initiated investigation in the selections. The investigation has been initiated and number of documents/evidence has been sought by vigilance department vide this office letter no.Vig/CT/2021/10/01652/VZ dated 18.04.2022. The Vigilance investigation is still undergoing.

viii. That as the selection was not conducted in fair manner, DPC recommend for cancellation of selection and order to initiate fresh selection.

ix. That action against the defaulting official under Discipline and Appeal Rules, 1968 has been initiated and 2(Two)



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Officials have been charge- sheeted and Northern Railways HQ Office has been approached to take suitable action against the concern officer.

x. That as there were irregularities found in the selection. Competent Authority passed order to cancel the selection vide this office letter no. 758E/206/Pt XVII/P-5 dated 01.04.2022 and further have been given to initiate fresh selection.”

4. The learned Tribunal, on the basis of the aforesaid assertions of the respondents, held that the decision to cancel the selection process was premised on the fact that the entire process stood vitiated, making it difficult to distinguish the tainted candidates from the untainted ones. The learned Tribunal, therefore, held that the decision to cancel the examination could not be interfered with.

5. The learned counsel for the petitioners, while challenging the aforesaid Impugned Order, contended that the order cancelling the selection process had been passed by the Senior DPO/III, who is an officer junior to the competent authority, namely, the General Manager. She submitted that, therefore, the cancellation of the examination was not ordered by the competent authority.

6. By our Order dated 25.07.2025, we had called upon the learned counsel for the respondents, who was appearing on an advance notice of this petition, to take instructions in the same.

7. The learned counsel for the respondents has produced before us the original file relating to the selection process in question. Upon perusal thereof, we find that the decision to cancel the examination was taken by the Additional Division Railway Manager, concurring

