



2025:DHC:10066-DB



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

Date of decision: 13.11.2025

+ W.P.(C) 16695/2025
UNION OF INDIA & ANR.Petitioners
Through: Dr.Vijendra Singh Mahndiyan,
CGSC.
versus

NEERAJ PRASAD & ORS.Respondents
Through: Mr.Anup Kumar, Ms.Gauri
Subramaniam, Mr.Abhishek
Kumar, Ms.Shruti Singh,
Ms.Neha Jaiswal and
Ms.Vertika Vaishnavi, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CAV 418/2025

1. The respondents have entered appearance in the instant matter.
2. Accordingly, the Caveat stands discharged.

W.P.(C) 16695/2025 & CM APPL. 68507/2025, CM APPL. 68508/2025

3. This petition has been filed, challenging the Order dated 09.12.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No.378/2024, titled *Neeraj Prasad & Ors. v. Union of India & Anr.*, whereby the learned Tribunal has disposed of the said O.A. filed



by the respondents herein with the following directions:

“11. Given the above the present OA is disposed of with the following directions. Respondents are directed to hold the regular DPC for considering the applicants as per their eligibility for promotion from SSO Grade-II to SSO Grade-I as per law. The DPC be held within three months of the date of receipt of the certified copy of this order. It is clarified that the promotion, if any, shall be subject to the outcome of the Nos.1746/2021 and 3813/2022.”

4. In the present petition, the limited challenge of the petitioners to the Impugned Order is that the learned Tribunal has erred in granting only three months time to comply with the direction of holding a Departmental Promotion Committee (DPC).

5. The petitioners in the writ petition, as also the learned counsel for the petitioners, submitted that realistically it would take at least one and a half years to implement the Impugned Order passed by the learned Tribunal.

6. The learned counsel for the petitioners has also made an attempt to distinguish the case of the respondents from the case of the applicants in O.A. No.2567/2023, titled **Randhir Kumar & Ors. v. Union of India & Anr.** decided by the learned Tribunal *vide* its Order dated 19.12.2023, by stating that the applicants therein had been appointed to the post of Senior Scientific Officer (Grade-II) (Junior Time Scale) prior to or in the year 2016, that is, before the decision of merger of Junior Scientific Officer with the post of SSO (Grade-II) had been taken.

7. On the other hand, the learned counsel for the respondents, who



appears on advance notice, submits that almost a year has passed since the passing of the Impugned Order. He further submits that the Impugned Order cannot be challenged only to seek further time to comply with the same. Such a prayer can always be made by the petitioners before the learned Tribunal itself by showing justification for the same. He submits that the Impugned Order also stands implemented in part, inasmuch as a draft seniority list of SSO Grade-II has been published by the petitioners on 06.08.2025. He submits that the case of the respondents is akin to **Randhir Kumar** (supra), and the artificial distinction sought to be created does not exist.

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

9. From a bare perusal of the grounds urged in the present petition, it is evident that the petitioners are only seeking further time to comply with the direction passed by the learned Tribunal in the Impugned Order. For the said prayer, the petitioners can always approach the learned Tribunal by showing justification for the same; therefore, it cannot be a ground for challenging the Impugned Order before us.

10. Coming to the issue as to whether the case of the petitioners is akin to **Randhir Kumar** (supra) decided by the learned Tribunal, in our view, since the merger has not been approved and the de-merger is presently pending challenge in the O.As. filed by the respective officers before the learned Tribunal, and the learned Tribunal has made the Impugned Order subject to the outcome of the said O.As., the direction given in **Randhir Kumar** (supra), which we are informed



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has been implemented by the petitioners, was issued by the learned Tribunal in the Impugned Order. We, therefore, fail to appreciate the ground of challenge in the present petition.

11. Accordingly, we find no merit in the present petition. The same is dismissed. However, we leave it open to the petitioners to approach the learned Tribunal with an appropriate application seeking an extension of time for compliance with the direction issued by the learned Tribunal in the Impugned Order. Such application, if filed, shall be considered by the learned Tribunal on its own merit and without being influenced by our present Judgment.

12. The petition, along with the pending applications, is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 13, 2025/ns/hs