



2026:DHC:1567-DB



\$~1 (Special Bench)

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

*Date of decision: 20.02.2026*

+ **W.P.(C) 6694/2024**

OMBEER SINGH PARMAR & ORS. ....Petitioners

Through: Mr.Harpreet Singh, Mr.Jatin  
Kumar Gaur and Mr.Arunesh  
Sharma, Advs.

versus

UNION OF INDIA & ORS. ....Respondents

Through: Mr.Syed Abdul Haseeb, CGSC  
with Mr.Tanvir Zaki, Adv. and  
Dr.Devesh, DC, Law, CISF  
Adv. for UOI  
Mr.Sanjay Hegde, Sr. Adv.  
with Ms.Charu Modi and  
Ms.Shaanya Shukla, Advs. for  
Review Petitioners.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (ORAL)**

**REVIEW PET. 307/2025 & CM APPL. 29992/2025 in W.P.(C)  
6694/2024**

1. This review petition has been filed, seeking review of the judgment dated 25.03.2025 passed by this Court in the above Writ Petition, whereby the same was allowed with the following directions:

*“12. In the present case, the impugned seniority list, has been issued by the respondents on 19.04.2023. The same therefore, has to be governed by the decision*



of the Supreme Court in **K.Meghachandra Singh** (supra).

13. Applying the above principle, retrospective seniority even before the personnel is born in the Cadre, cannot be granted. The impugned seniority list insofar as it determined seniority in violation of the said principal, is liable to be quashed.

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16. However, keeping in view that the reference is pending before the Larger Bench, we direct that the seniority list, which shall be redrawn by the respondents pursuant to our judgment, shall be subject to the outcome of the reference.

17. The respondents shall rework the Seniority List and publish the revised list after considering objections, if any, filed to a draft seniority list, within six months from today.”

2. Mr. Hegde, the learned senior counsel for the review petitioners, submits that this Court has failed to consider the O.M. bearing No.20011/2/2019-Estt.(D) dated 13.08.2021 issued by the Department of Personnel and Training (DoP&T), Ministry of Personnel, Public Grievances and Pensions, Government of India, explaining the effect of the judgment of the Supreme Court in **K. Meghachandra Singh & Ors. v. Ningam Siro & Ors.**, (2020) 5 SCC 689. He submits that in paragraph no.7 of the said O.M., the effect of the above judgment and the manner of its implementation has been explained by the Government of India, as under:

“7. Based on the above, it has been decided to modify the instructions relating to determination of inter se seniority between promotees and direct recruits as under:

(i) DoPT's O.M. No. 20011/1/2012-Estt.(D) dated 4.3.2014. issued in pursuance of Order dated 27.11.2012 in N.R. Parmar case, is







*actual number of direct recruits and promotees appointed during the year after declaration of results/selection and completion of pre-appointment formalities as prescribed.*

*(e) As per (d) above, if adequate number of direct recruits (or promotees) do not become available in a particular year, the rotation of quotas" for the purpose of determining inter-se seniority, would stop after the available direct recruits and promotes are assigned their slots on their appointment/joining in that year.*

*(f) If no direct recruit is available in a particular year, available promotees would be bunched together in accordance with their position in the panel approved for promotion. Similarly, if no promotee is available in that year, available direct recruits would be bunched together, as per their position obtained in the selection process.*

*(g) In case, where direct recruits or promotes, as the case may be, belonging to two more selections/panel approved for promotion, join in the same year, then those who have been appointed/joined as a result of earlier selection/panel would be placed senior in the seniority list to those been appointed/joined as a result of a subsequent selection/panel.*

*(h) Instructions contained in OMs dated 7.2.1986 and 3.7.1986, stand modified to the extent indicated in above paragraphs."*

3. The learned senior counsel for the review petitioners submits that, in the present case, as the review petitioners were appointed against the vacancy years prior to the pronouncement of the judgment of **K. Meghachandra** (supra) on 19.11.2019, in terms of the paragraph



no.40 of the said judgment and paragraph 7(iii) of the above O.M., the seniority is to be determined in terms of the O.Ms. dated 07.02.1986 /03.07.1986 read with O.M. dated 04.03.2014, as explained by the Supreme Court in *Union of India & Ors. v. N.R. Parmar & Ors.*, (2012) 13 SCC 340.

4. The learned senior counsel for the review petitioners further submits that, the above submissions could not be brought to the notice of this Court as the review petitioners were not made parties to the present Writ petition.

5. He further submits that this Court, while passing the subject judgment, failed to take into account the mandate of the judgment of the Supreme Court in *Union Territory of Ladakh & Ors. v. Jammu and Kashmir National Conference & Anr.*, 2023 SCC OnLine SC 1140, wherein it has been held that, where conflicting judgments are pronounced by Benches of equal strength of the Supreme Court, it would be the earlier judgment of the Supreme Court which would prevail.

6. The learned counsel for the Union of India supports the submissions made by the learned senior counsel appearing for the review petitioners.

7. On the other hand, the learned counsel for the petitioners submits that insofar as the reliance placed on the paragraph no.7 (iii) and (iv) of the O.M. dated 13.08.2021 is concerned, a Coordinate Bench of this Court in *Ms Anju Chawla & Ors. v. Govt of NCT of Delhi & Ors.*, 2024:DHC:8036-DB, has already found the same to be contrary to the judgment of the Supreme Court in *K. Meghachandra*



(supra).

8. The learned counsel for the petitioners further submits that, in terms of the Recruitment Rules, the seniority is not to be determined in terms of the vacancy year, but from the date of the actual appointment and, therefore, is to be governed by the judgment of **K. Meghachandra** (supra).

9. On the submission of the learned senior counsel for the review petitioners that the review petitioners were not made parties in the present Writ Petition, he submits that as the petitioners were challenging the order dated 19.10.2023 passed by the learned Tribunal, and the challenge to the Seniority List was on a principle and not against a particular individual, therefore, it was not necessary for all affected persons to be made parties to the Writ Petition. The petitioners had impleaded some of them in the representative capacity. In support, he places reliance on the judgement of the Supreme Court in **Ajay Kumar Shukla & Ors. v. Arvind Rai & Ors.**, 2021 SCC OnLine SC 1195.

10. As regards the reliance of the learned senior counsel for the review petitioners on the Supreme Court in **Union Territory of Ladakh & Ors.** (supra), he submits that the same has been duly considered by this Court in its subject judgment.

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

12. It is not denied that the review petitioners joined the service post the promotion of the petitioners through the Limited Departmental Competitive Examination (LDCE). As it has not been



shown to us that the relevant Seniority Rules prescribe seniority to be determined based on the year of vacancy, the effect of the same, in terms of **K. Meghachandra** (supra), would be that the petitioners would be senior to the review petitioners and the seniority is to be determined by the date of joining service at a particular post.

13. As far as the reliance of the review petitioners on the O.M. dated 13.08.2021 is concerned, a Coordinate Bench of this Court has already considered the said O.M. and found the same to not be in accord with the judgment of **K. Meghachandra** (supra). We would do no better than to reproduce the relevant findings of the Coordinate Bench of this Court in **Anju Chawla** (supra) as under:

*“11. This Bench has considered this aspect in some detail in its recent judgment in **ICAR v Yugal Kishore Sah**. We have taken the view that the saving clause contained in para 39 of **Meghachandra** would apply only in case the seniority of the concerned officers/employees has been fixed by way of drawing up of a seniority list prior to the rendition of the decision in **Meghachandra**. Where the seniority list is drawn up for the first time after **Meghachandra** was rendered, we have held that seniority list has to subscribe to the law laid down in **Meghachandra** irrespective of the date of recruitment of the DRs or promotees whose inter se seniority is being fixed.*

*12. Mr. Mithilesh Kumar Singh, learned Counsel for the petitioners has drawn our attention to an Office Memorandum dated 13 August 2021 issued by the Department of Personnel and Training, particularly emphasizing para 7 (ii) and (iii) of the said OM, which may be reproduced thus:*

*“7. Based on the above, it has been decided to modify the instructions relating to determination of inter se*



seniority between promotees and direct recruits as under:-

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ii. As the Order dated 19.11.2019 is prospective cases of inter se seniority of direct recruits and promotees, already decided in terms of O.M. No. 20011/1/2012- Estt.(D) dated 4.3.2014, shall not be disturbed, i.e. old cases are not to be reopened.

iii. In case of direct recruits and promotes appointed/joined during the period between 27.11.2012 and 18.11.2019 and in which case inter se seniority could not be finalised by 18.11.2019, shall also be governed by the provisions of O.Ms. dated 7.2.1986/3.7.1986 read with OM dated 4.3.2014, unless where a different formulation/manner of determination of seniority has been decided by any Tribunal or Court.”

(Emphasis supplied)

**13.** Para 7(iii) of the aforesaid OM does not accord with our understanding of **Meghachandra**, as explained in detail in **Yugal Kishore Sah**. It is clearly an executive instruction, and is not a rule within the meaning of para 39 of the judgment in **Meghachandra**. **Meghachandra** expressly overrules **Parmar**, declaring it to be bad law. In our view, having done so, **Meghachandra** cannot be understood to have permitted seniority to be fixed on the basis of the overruled judgment in **Parmar**. Fixation of seniority, post **Meghachandra**, has, in our view, to abide by **Meghachandra**, and cannot be effected on the basis of **Parmar**. The fact that the DRs and promotees, in respect of whom the seniority was being fixed, may have been recruited prior to **Meghachandra**, cannot alter this position, and allow fixation of their seniority on the basis of the overruled



***Parmar.** We cannot understand para 39 of **Meghachandra** to hold that, despite **Parmar** having been specifically held to be incorrectly rendered, and expressly overruled, the Supreme Court nonetheless permits seniority, in respect of DRs, or promotees, recruited prior to **Meghachandra**, to be fixed on the basis of **Parmar**. What para 39 of **Meghachandra** protects, in our view, is only inter se seniority which stands fixed, on the basis of **Parmar**, before **Meghachandra** was rendered. That, in our view, is the correct interpretation to be placed on the expression “inter se seniority already based”, as employed in para 39 of **Meghachandra**. Where there has been no **Parmar**-based determination of inter se seniority between DRs and promotees prior to the rendition of the judgment in **Meghachandra**, this saving caveat would have no application. Simply put, post-**Meghachandra**, inter se seniority would have to abide by the law declared in **Meghachandra**, and resort to the overruled **Parmar** decision would be completely ruled out.*

*14. Para 7(iii) of the DOPT OM dated 13 August 2021, which observes otherwise, is, in our view, clearly erroneous in law. It cannot be followed, in preference to the judgment of this Court in **Yugal Kishore Sah**.”*

14. Coming to the submission of the learned senior counsel for the review petitioners, that the review petitioners were not made parties to the present Writ Petition and, therefore, the petition was decided without hearing them, we may only observe that the challenge of the petitioners was not against a particular individual, but on a principle and being aggrieved of the official respondents not determining the seniority in terms of the extant law as explained by the Supreme Court in **K. Meghachandra** (supra). In such a challenge, it was not



2026:DHC:1567-DB



necessary for the petitioners to implead each and every individual who may be affected. The petitioners, in terms of the judgment of the Supreme Court in *Ajay Kumar Shukla* (supra) had impleaded a few of the officers, who would also be equally affected by the judgment sought, as party respondent in the Writ Petition in a representative capacity.

15. Be that as it may, the review petitioners have now been heard and we find no error in our judgment, requiring a review.

16. For the reasons stated hereinabove, we find no merit in the present review petition. The same along with the pending application is, accordingly, dismissed.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**FEBRUARY 20, 2026/ns/pb**