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

Date of decision: 26.08.2025

+ W.P.(C) 6510/2015

SONU KUMAR & ORS.

.....Petitioners

Through: Mr.Naman Jain and Mr.Varun
Sharma, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Nitinjya Chaudhry, SPC
with Mr.Rahul Mourya, Adv.
for UOI

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 05.01.2015 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 1534/2013, O.A. No.1533/2013 & O.A. No. 1535/2013, dismissing the said O.A.s filed by the petitioners herein.

2. The learned Tribunal, in its Impugned Order, has referred to the facts from O.A. No. 1534/2013, which showed that pursuant to an Advertisement issued on 10-16.04.2010 by the respondents inviting applications for the post of Lab Assistant at the Central Forensic Science Laboratory, the petitioners had applied for the same.

3. While the recruitment process was in progress, pursuant to the DoPT's O.M.s dated 30.04.2010 and 12.05.2010, the post of Lab Assistant was qualified as Non-Technical Group 'C' post and it was directed that the recruitment process shall be initiated by the Staff



Selection Commission. Instructions were also issued to cancel all offers of appointment that may have been issued in the meantime.

4. Complying with these O.M.s, the offer of appointment given to the petitioners, before they had joined service, was, accordingly, cancelled by the respondents. Aggrieved of the same, the petitioners approached the learned Tribunal.

5. As noted hereinabove, the learned Tribunal has dismissed the O.A.s filed by the petitioners, *inter alia*, observing therein that offers of appointment had been made to the petitioners on 20.12.2010, notwithstanding the clear instructions in the O.M.s dated 30.04.2010 and 12.05.2010 prohibiting the same, and once this anomaly was found that the appointment was being made against the non-existing post, the same could not have been given effect to.

6. The learned counsel for the petitioners submits that the O.M.s dated 30.04.2010 and 12.05.2010 cannot have and be given a retrospective effect. He submits that the selection process having been initiated by issuing an advertisement prior to the amendment, must culminate as per the then existing rules.

7. He further submits that the petitioners have a legitimate expectation to be appointed to the post for which they had applied pursuant to an Advertisement issued by the respondents. The learned counsel for the petitioners submits that rules of recruitment cannot be changed midway. He submits that the petitioners cannot be made to suffer for the wrongs of the respondents.

8. The learned counsel for the respondents, on the other hand, places reliance on the Judgments in ***Vijoy Kumar Pandey v. Arvind***



Kumar Rai & Ors., AIR 2013 SC 2202, and ***D.R. Yadav & Anr. v. R.K. Singh & Anr.***, (2003) 7 SCC 110, to submit that no case for granting the relief is made out.

9. We have considered the submissions made by the learned counsel for the petitioners, however, find no merit in the same.

10. Admittedly, the recruitment process had not culminated when the O.M.s dated 30.04.2010 and 12.05.2010 had been issued. In terms of the said O.M.s, the post of Lab Assistant have been upgraded from Group 'D' post to Group 'C' post and the recruitment was to be made by the Staff Selection Commission. It was further directed that all pending recruitment processes be stalled. Notwithstanding the same, by mistake, the respondents went ahead and issued the offers of appointment to the petitioners. However, realising its own fault, before the petitioners could join duty, the respondents cancelled these offers of appointment. As an employer a direction to the respondents to act *de-hors* its own policy directives and against the recruitment rules, cannot be passed. The respondents, as employer, also have a right to cancel the selection process initiated by them for justified reasons; the present was one such case of justified reason for cancelling the recruitment process.

11. Accordingly, we find no merit in the present petition. The same is dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 26, 2025/sg/ik