



2025:DHC:7449-DB



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

Date of decision: 28.08.2025

+ W.P.(C) 13154/2025
DHARAMBIR DHANPetitioner

Through: Mr.D. S. Mehandru, Adv.
versus

UNION OF INDIA AND ANR.Respondents
Through: Mr.Abhishek Khanna, SPC

CORAM:

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

NAVIN CHAWLA, J. (ORAL)

CM APPL. 53914/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 13154/2025 & CM APPL. 53913/2025

2. This petition has been filed by the petitioner, challenging the Order dated 08.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No.2444/2021, titled ***Dharambir Dhan v. Union of India through its Secretary & Anr.***, whereby the learned Tribunal dismissed the O.A. filed by the petitioner herein.

3. The petitioner had filed the above O.A., contending therein that he was appointed as Senior Technical Assistant (STA) (Soil Conservation) Grade-II with the respondent no.1 in the year 2019. He was placed at Serial No.2, while the respondent no.2 was placed at Serial No.4.



4. On completion of five years of regular service as STA Grade-II, the petitioner became entitled to promotion to the post of STA Grade-I. There were four posts of STA Grade-I with the respondent no.1 and, in terms of the Recruitment Rules, one post was to be filled under the composite method plus promotion. The petitioner and the respondent no.2, being eligible, applied for the same. The Departmental Promotion Committee (DPC) was convened for making the selection, however, it selected the respondent no.2 for the said post, though he was junior to the petitioner.

5. Aggrieved thereby, the petitioner filed the above O.A. before the learned Tribunal, which, as noted hereinabove, has been dismissed.

6. The learned counsel for the petitioner submits that under the composite method, the departmental candidates are to be considered along with the outsiders. Once the DPC found that none of the outsiders had met the prescribed benchmark for the appointment, and only the two departmental candidates remained to be considered, their *inter se* seniority ought to have been taken into account and the normal rules of promotion applied. He submits that, therefore, the proceedings of the DPC were erroneous and liable to be set aside.

7. He further submits that the respondents had admitted before the learned Tribunal that the rules are silent with respect to the selection/non-selection category and, therefore, it was for the learned Tribunal to determine whether the DPC had adopted the correct procedure while considering the case of the petitioner *vis-à-vis* the respondent no.2.



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

9. In the present case, the DPC has considered the case of the petitioner and the respondent no.2 by making an assessment on the basis of their service particulars, experience, APARs, etc., and by grading these officers, which has also been examined by the learned Tribunal in the Impugned Order, while observing as under:

“13. The submissions made by learned counsel for the applicant are misplaced for the following reasons:-

(i) Evidently there was only one vacancy with the respondents which belongs to unreserved candidates.

(ii) In absence of any submission with respect to the mala fide, the contention cannot be accepted, particularly, in light of the fact that the person against whom the allegations have been made is not impleaded as a party.

*(iii) With respect to the method advised by the DPC, we are guided by the decision of the Hon'ble Apex Court in Appeal (Civil) 689/2007 (arising out of SLP(C) No. 2410/2007 in the matter of **UOI & Anr.** v/s **S.K. Goel & Ors.**, in pursuance of the DOP&T OM dated 11.04.2007. ...*

(iv) The OM itself makes it clear that the DPC is not required to be guided by the gradings in the APARs but to make its own assessment on the basis of the entries made in the APARs.

(v) Additionally, even if the contention of the applicant was to be accepted that the applicant was senior, in light of the method adopted by the respondents being composite one, the external candidate was considered along with the departmental candidates and the selection was made on the basis of the assessment, service particulars, experience, APARs etc. and provisions of extant RRs. ...”



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10. The findings of the DPC, unless shown to be contrary to any rules or tainted by *mala fides*, cannot be challenged. The DPC is free to adopt its own procedure for making the comparative assessments. In this regard, we may only make a reference to the Judgment of the Supreme Court in *Union of India v. S.K.Goel & Ors.*, (2007) 14 SCC 641, and of this Court in *Hemant Kumar Sahu v. Union of India & Ors.*, 2009:DHC:2115-DB.

11. We, therefore, find no merit in the present petition. The same, along with the pending application, is accordingly dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 28, 2025/sg/DG