



2025:DHC:258-DB



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

+ W.P.(C) 3091/2007, CM APPLs. 15447/2007 & 6593/2008

JASBIR SINGH BHALLA & ANRPetitioners

Through: Mrs. Tanuj Bagga Sharma and
Dr. M.K. Ravi, Advs.

versus

UOI & ORS.Respondents

Through: Mr. Manish Mohan, CGSC
with Mr. Jatin Teotia and Ms. Aishani
Mohan, Advs. for UOI.

Mr. Vineet Dhanda, CGSC with Ms.
Akansha Choudhary and Mr. Saksham Sethi,
Advs. for R-1 & 2.

Mr. K.S. Rama Rao, Adv.

+ W.P.(C) 9132/2007

K.ZACHARIAH & ORSPetitioners

Through: Mr. K.S. Rama Rao, Adv.

versus

UOI & ORSRespondents

Through: Mr. Manish Mohan, CGSC
with Mr. Jatin Teotia and Ms. Aishani
Mohan, Advs. for UOI.

Mr. Ravinder Agarwal and Mr. Manish
Kumar, Advs. for R-3/UPSC.

Mrs. Tanuj Bagga Sharma and Dr. M.K.
Ravi, Advs. for R-4 & 5.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

**JUDGMENT (ORAL)****16.01.2025**

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C. HARI SHANKAR, J.

1. Both these writ petitions are directed against judgment dated 16 March 2007 passed by the Central Administrative Tribunal¹ in OA 2498 of 2005.

2. The issue before the Tribunal related to promotions to the grade of Principal Private Secretary in the Armed Forces Headquarters. The promotions were made in respect of vacancies which had arisen in 2003-2004. The contention of the applicants before the Tribunal was that the earlier applicable Armed Forces Headquarters Stenographers' Service (Private Secretary Grade) Rules, 1990² had been superseded by the Armed Forces Headquarters Stenographers' (Group A and Group B posts) Service Rules, 2004³ and that, as the DPC had met on 12 October 2004, the 2004 Rules ought to have been applied by the DPC. Instead, the DPC applied the 1990 Rules which, according to the applicants before the Tribunal, was erroneous.

3. The Supreme Court had, in its judgment in *Y.V. Rangaiah v J. Sreenivasa Rao*⁴, held that the rules which are applicable would be the rules which are in force on the date when the vacancies arose. A sole

¹ "the Tribunal", hereinafter

² "the 1990 Rules", hereinafter

³ "the 2004 Rules", hereinafter

⁴ (1983) 3 SCC 284



relaxation to this principle was engrafted by the Supreme Court in its subsequent judgment in *K. Ramulu v Suryaprakash Das*⁵, in a case where there was a conscious decision to defer the holding of the DPC either awaiting amendment of the rules or for any other reason. The Supreme Court held that, in such a circumstance, the *Rangaiah* principle would not apply.

4. The Tribunal has held, in the impugned judgment, that the case is covered by *Rangaiah* and that, as the vacancies considered by the DPC arose prior to the coming into effect of the 2004 Rules, the DPC had correctly applied the 1990 Rules.

5. This conclusion is predicated on the premise, which flows from *Rangaiah*, that the rules which would apply would be those in effect on the date when the vacancies arose.

6. *Rangaiah*, however, has since been expressly overruled by the Supreme Court in *State of Himachal Pradesh v Raj Kumar*⁶.

7. As such, it may not be possible to uphold the decision of the Supreme Court which is predicated on *Rangaiah*. However, as *Raj Kumar* has been rendered recently in 2023, much after the impugned judgment came to be pronounced, we, with consent of parties, deem it appropriate to dispose of these writ petitions by setting aside the impugned judgment dated 16 March 2007 passed by the Tribunal and

⁵ 1997 (3) SCC 59

⁶ (2023) 3 SCC 773



remanding OA 2498 of 2005 to the Tribunal for a decision afresh, in view of the judgment in *Raj Kumar*.

8. We express no opinion on the merits of the controversy between the parties. All issues of fact and law shall remain open to be agitated before the Tribunal.

9. Needless to say, however, the Tribunal would not be encumbered by any of the observations contained in the impugned judgment.

10. As this litigation is already of 17 years' vintage, we direct the parties to appear before the Tribunal on 27 January 2025. We request the Tribunal not to adjourn the matters on the said date and to take up the matters for final hearing and to pronounce judgment thereon as expeditiously as possible and preferably within a period of four weeks of the hearing.

11. In order to facilitate the hearing before the Tribunal, all parties are directed to file, at least five days in advance of the next date of hearing, written submissions not exceeding six pages each, after exchanging copies with each other, with the Registry of the Tribunal.

12. The submissions, as and when filed, would be placed before the Bench of the Tribunal which would be hearing the matters.

13. These writ petitions stand disposed of in the aforesaid terms.



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14. At this juncture, Mr. K.S. Rama Rao points out that WP(C) 204/2008 filed by the Union of India against the impugned judgment is also pending before this Court. We are informed that Rule DB stands issued in the matter which is on the Regular Board. However, as the Union of India is not aware of the said matter, we direct the Registry to list WP (C) 204/2008 before the Court on 20 January 2025, before we dispose of the said matter in the terms of the present order.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JANUARY 16, 2025/AS

[Click here to check corrigendum, if any](#)