

Union of India vs Pavan Kumar

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Court : Delhi

Decided On : Apr-13-2026

Judge : Hon'Ble Mr. Justice C.Hari Shankar,Hon'Ble Mr. Justice Om Prakash Shukla

Appeal No. : W.P.(C)/4898/2026

Appellant : Union of India

Respondent : Pavan Kumar

Advocate for Def. : Mr. Mukesh Kumar Gupta, Dr. R.Jayah Ambiya K.R, Mr. Rajinder Khatter

Advocate for Pet/Ap. : Ms. Arunima Dwivedi, Ms. Himanshi Singh

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 4898/2026 and CM APPLs. 24020/2026 and

UNION OF INDIAPetitioner Through: Ms Arunima Dwivedi, CGSC
with Ms Himanshi Singh, Advocate

versus

PAVAN KUMARRespondent Through: Mr. Mukesh Kumar Gupta with Dr. R.Jayah Ambiya K.R and Mr. Rajinder Khatter, Advocates

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% 13.04.2026

C. HARI SHANKAR, J.

1. This writ petition at the instance of the Union of India assails

judgment dated 14 November 2025 passed by the Central

Administrative Tribunal¹ in OA 3078/2025.

2. The respondents were, at the time of institution of the OA,

working as Technician-II in the Northern Railway. Respondent 2 belonged to the Scheduled Castes² whereas Respondents 1 and 3 were general category employees.

¹ the Tribunal, hereinafter ² SC hereinafter

3. On 4 October 2023, the Northern Railway issued a notice to fill

up four posts of Junior Engineer/Electrical General against 25% Intermediate Apprentice quota. As they were eligible, the respondents applied. Written examination was undertaken on 28 December 2023.

They were found suitable for further assessment by a Selection Board which met on 29 December 2023 against three unreserved and one SC vacancy.

4. They were empanelled for promotion as JE by the following

order, issued on 5 February 2024 :

NORTHERN RAILWAY Moradabad division Personal department

Office of the Divil. Rily. Manager Moradabad

Letter No.DPO/127/23/JE (Elect.)/Gen/25%IQ Dated: 05.02.2024 Sr.
DEE/E/General MB/NR

Sub: Panel of JE/Gen 25% IQ Quota in GP-4200 (Level-6) Ref:- This
office letter even no. dated 19.12.2023

----- As a result of written test held on 28.12.2023 for
04 posts (UR=03+SC=01+ST=00) of JE/Electric/Gen. 25% IQ quota in
GP- 4200 (Level-6), the Following candidates have been placed on
panel.

S.No. Name Fathers Category Designation Station Remarks Sh./Smt.
Name Sh.

1. Rahul Amta UR Tech- DDN Against

Chamoli Prakash I/ACC/DDN UR

2. Gautam Tilak Ram UR Tech- MB Against

Kumar II/Power/M UR B

3. Pradeep Rajkishore UR Tech- MB Against

II/TL/MB UR

4. Pawan Ganga SC Tech- MB Against

Kumar Ram II/Power/M SC B

Only four (04) Candidates.

In view of latest GM/P letter No.2018-E(SCT)1/25/9 dated 22.06.2022 and PS 15607/2022 reservation policy, the panel is formed as per extant rules as per detail given below:-

a. Employees showing against item no.1 to 3 have been empanelled against UR point.

b. Employees showing against item no.4 has been empanelled against SC point.

Promotion order will be in effect after completion of 2 years service in feeder grade i.e., MCM/Gen case is pending against them and passing the pre requisite service training / course & medical examination if any applicable for this post.

Panel is provisional and also subject to outcome of the main SLP No.4831/2012 and Contempt petition (C) No.314/2016 in above SLP & other judgment in Courts cases, if any.

This has the approval of Competent Authority.

Assistant Personnel Officer N.Rly. MB division

Thus, the communication dated 5 February 2024 stated that promotion orders would be issued after the empanelled officers had completed two years of service in the feeder grade and passed the pre-requisite service training course and medical examination.

5. On 14 February 2024, the respondents were nominated for

training. The training calendar was issued on 21 June 2024. The respondents underwent training from 1 July 2024 to 13 December

2024. On 16 February 2025, they reported on being issued posting

ORDER

6. However, instead of being issued posting orders, the

respondents were on 8 April 2025 asked to rejoin at their previous place of posting.

7. Chagrined at this, the respondents represented on 26 April

2025. They were, thereafter, informed that by the following

communication dated 30 April 2025, issued by the Senior Divisional Personnel Officer, Moradabad to the Senior Divisional Engineer, Moradabad Division of the Northern Railway, it was informed that the Competent Authority had cancelled the panel notified on 5 February 2024 as well as the examination, undertaken by the respondents, which

resulted in their empanelment:

Office of the, DRMS Office, Moradabad No. 723E/EO/Elect/G/25%/Selection/2024 Dated 30.04.2025 Sr. Divisional Engineer/Elect/G Moradabad Division Northern Railway

Sub:- Regarding cancellation of the selection of JE/Ele/IQ25%

Ref:- Conf. Section. DPO/127/23/JE(Elec)Gen25%IO dated 29.04.2025.

It is advised on the subject that a panel of JE/Elect/G was issued against vacant post 04 (UR-3+SC-1, ST-00) vide this office letter no DPO/127/23/JE(Elect)Gen25%IO dated 06.02.2025 and CBT examination conducted on 28.12.2023. The competent Authority approval received and same is treated as cancel.

Sr. Divisional Personnel Officer Moradabad Division

8. On 29 July 2025, a Notification was issued by the General

Manager (Northern Railway), proposing to have a fresh selection for the four vacancies of JE/ Electrical against which the respondents had been empanelled.

9. Aggrieved at this, the respondents moved the Tribunal by way

of OA 3078/2025, in which the impugned judgment has been rendered.

10. The respondents contended, before the Tribunal, that there was

no justification for cancelling the panel. They pointed out that the ground of cancellation was apparently that few questions in the question paper

were found to be repeated, which could not constitute a basis for cancelling the examination and subjecting the respondents to a fresh selection. Moreover, this could not have been done at a belated stage after the respondents had already been empanelled for promotion, and the order of empanelment also stated that the promotion orders would be issued once the respondent had completed their training. They had also completed the training as required and were awaiting promotion orders when they told that the entire selection process has been scrapped.

11. Besides, submitted the respondents, the selection process could

not have been scrapped without notice to them and hearing them in the matter as it seriously affected their rights and their legitimate expectation to be issued posting orders, consequent to completion of training.

12. As against this, the petitioner contended before the Tribunal that

though it was true that the respondents had been empanelled and that the panel of 5 February 2024 had been approved and issued by the Assistant Divisional Railway Manager³, there were certain subsequent queries received under the Right to Information Act, 2005⁴ and certain court proceedings which were initiated, which compelled the petitioners to re-examine the matter. Following these, it was stated that the setter, who had set the question paper, was conducted and he confirmed that certain questions had been repeated and that certain answers in the answer key were incorrect. A Committee was constituted to look into the matter. The Committee took a conscious decision that, to ensure fairness of opportunity and maintain the integrity of the process, the examination was required to be cancelled and a fresh selection held. This decision was approved by the Divisional Railway Manager⁵, who was senior to the ADRM who had approved the panel of 5 February 2024.

13. Dealing with the rival contentions, the Tribunal took note of the

notification dated 5 March 2025 issued by the Northern Railway and the Railway Board Circular dated 11 November 1999, which may be reproduced thus:

Northern Railway Notification dated 5 March 2025

" NORTHERN RAILWAY GOVERNMENT OF INDIA MINISTRY OF RAILWAYS

3 ADRM, hereinafter 4 RTI Act hereinafter 5 DRM, hereinafter (RAILWAY BOARD)

No. E(NG)/2025/PM1/3 New Delhi, dated 05.03.2025

The General Manager, All Zonal Railways/PUs. (As per standard mailing list)

Sub: Irregularities in selections and reforms thereon.

Due to several irregularities noticed in the departmental selections in the recent past, it has been decided to revisit the departmental selection framework and all the pending selections/LDCES/GDCES (within Group 'C') which have not been finalized and approved by 04.03.2025 may be treated as cancelled. No further selections may be initiated until further orders. Further instructions to regulate the selections will be issued in due course. Hindi version will follow.

DA: Nil. (Rajeev Ranjan) Sd/- Joint Director (Estt (N) Railway Board

No. E(NG)1/2025/PM1/3New Delhi, dated 05.03.2025

Railway Board Circular dated 11 November 2019

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS (RAILWAY BOARD)

No.E(NG)I/2019/PM 4/13 New Delhi, dated Nov.11, 2019

The General Managers All Zonal Railways & Production Units etc. (as per standard mailing list)

Sub: Cancellation of selection after declaration of result-Due Notice to be given to candidates declared selected.

Instances have been brought to the notice of Railway Board, where selection proceedings have been cancelled by the competent authority on the Railways after declaration of the results of selection due to irregularities/malpractices being detected in the selection subsequently. In some of these cases, it has been noticed that the Courts have taken exception to such practices and passed adverse judgment due to notice not being served to the selected candidates prior to issue of the cancellation orders.

As the existing rules/instructions on the subject are silent on this issue, it has been decided by the Board that whenever selection proceedings are required to be cancelled after of result due to procedural irregularities/malpractices, due notice should be given to the candidates declared selected.

The Indian Railway Establishment Manual, 1989-Vol.1 is accordingly amended as per ACS No.269 enclosed herewith.

(D. Joseph) Joint Director/Estt.(N) Railway Board

No.E(NG)I/2019/PM 4/13 New Delhi, dated Nov. 11th, 2019

14. The Tribunal reasoned thus:

(i) The Northern Railways Notification dated 5 November

2025 envisaged cancellation only of selections which had not been finalised and approved by 4 March 2025. Inasmuch as the respondents had already been empanelled for promotion as JE on 5 February 2024, their selection could not have been cancelled.

(ii) As per the Railway Board Circular dated 11 November

2019, whenever a selection was proposed to be cancelled after declaration of the result due to procedural irregularities or even malpractices, due notice had to be given to the selected candidates. This was also not done.

(iii) No material had been placed on record to indicate that the

approval of the DRM had been obtained prior to cancellation of the selection as was required by para 219(a) of the Indian Railway Establishment Manual⁶.

(iv) It was completely unfair to cancel the selection post the

training undertaken by the respondents when they had a legitimate expectation of being issued posting orders.

15. For all these reasons, the Tribunal, vide the impugned judgment,

set aside the order dated 30 April 2025 whereby the respondents had been informed of the cancellation of the selection undertaken by them as well as the order dated 29 July 2025 inviting fresh recruitments to the extent it included the vacancies against which the respondents had been empanelled. The petitioner was, therefore, directed to restore the panel dated 5 February 2024 and post the respondents as JE with all consequential benefits including seniority and notional fixation of pay.

16. Aggrieved thereby, the Northern Railway has approached this

Court by means of the present writ petition.

17. We have heard Ms. Arunima Dwivedi, learned CGSC for the

petitioner and Mr. Mukesh Kumar Gupta, learned counsel for the respondents, at length.

18. Learned counsel for the parties have broadly reiterated the

contentions advanced before the Tribunal. Ms. Dwivedi, in particular,

IREM, hereinafter submits that once a conscious decision had been taken by the Committee, in the interest of ensuring fairness, to cancel the selection earlier conducted, the Tribunal was in error in interfering therewith.

19. Having heard learned counsel for the parties and perused the

material on record, we are not inclined to interfere with the impugned

judgment of the Tribunal in the peculiar facts of the present case.

20. The selection was held only for four posts. Only four candidates

were, therefore, empanelled, of whom three are before us.

21. Cancellation of a selection wholesale is not a routine exercise to

be undertaken at a drop of the hat. Ordinarily, cancellation of a selection takes place only where there is large scale malpractice or resort to unfair means. In the present case, nothing of the kind happened.

22. The respondents were also noncommittal with respect to the

nature of the RTI queries and the Court cases which empanelled them to refer the matter once again to the person who had set the question papers. It is not the petitioners case that there were any orders passed by any Court or Tribunal which directed that the selections already held, be cancelled and fresh selection undertaken. The mere fact that some persons may have made RTI queries or even instituted cases in Courts, could not constitute a legitimate basis to cancel the entire selection thereby subjecting the respondents, who had practically one foot in the door, to an entirely new selection process. This is especially so as no mala fides or unfairness has been attributed to the respondents at any point of time.

23. Besides the exercise of holding a fresh selection was, as the

Tribunal has correctly noted, violative both of Northern Railway Notification dated 5 March 2025 as well as Railway Board Circular dated 11 November 2019. The Northern Railway Notification dated 5 March 2025 specifically envisaged cancellation only of selections which had not been finalized and approved by 4 March 2025. In the present case, the respondents empanelment had been finalized and approved by the ADRM on 5 February 2024, more than a year prior to 4 March 2025. The said selection could not, therefore, have been cancelled as per Northern Railway Notification dated 5 March 2025.

24. The Tribunal is also correct in its finding that the cancellation

of the respondents selection without notice to them violated the Railway Board Circular dated 11 November 2019, inasmuch as the said Circular required notice to be issued to the selected candidates before the selection was cancelled.

25. We also find substance in the Tribunals observation that the

selection of the respondents could not have been cancelled at a belated stage. They had participated in the examination, cleared all rounds and had been found fit for promotion, whereafter they were empanelled on 5 February 2024. The notice dated 5 February 2024 clearly stated that promotion orders were being deferred because the respondents had to complete two years service in the feeder grade and to pass the pre-service training course. Following this, according to the said notice, only posting orders were required to be issued. Thereafter, the respondents were nominated for training and underwent training as per the Training Guidelines issued by the petitioner. We are in agreement with the Tribunal that, after all this, when they reported for being issued posting orders, the petitioners could not have been faced with a decision to cancel the entire selection and conduct it de novo.

26. We find the cancellation of the selection in such a fashion at the

point when the selected candidates were practically about to be appointed disquieting to say the least. The manner in which it was done, in clear violation of the instructions and directives of the Northern Railway and the Railway Board, are also unhappy. However, inasmuch as no mala fides have been pleaded or argued, we say no more.

27. In the peculiar facts of the present case, therefore, we do not

find any cause to interfere with the impugned judgment of the Tribunal, which is affirmed in its entirety. Let compliance with the

judgment be ensured within eight weeks from today.

28. The writ petition is dismissed with no orders as to costs.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

APRIL 13, 2026/yg

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