SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Rajesh Kumar Sah vs Uoi

Rajesh Kumar Sah vs Uoi

SooperKanoon Citation : sooperkanoon.com/1269784

Court : Delhi

Decided On : Feb-04-2026

Judge : Hon'Ble Mr. Justice Anil Kshetarpal,Hon'Ble Mr. Justice Amit Mahajan

Appeal No. : W.P.(C)/7878/2009

Appellant : Rajesh Kumar Sah

Respondent : UOI

Advocate for Def. : Mr. Varun Chugh, Ms. Shagun Shahi Chugh, Ms. Kavya Roy Choudhur

Advocate for Pet/Ap. : Mr. Shree Prakash Sinha, Mr. Rakesh Mishra, Mr. Nawalendra Kumar, Mr. Rishabh Kumar, Ms. Asmita, Ms. Trishla Kumari

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7878/2009 RAJESH KUMAR SAH .....Petitioner Through: Mr. Shree Prakash Sinha, Mr. Rakesh Mishra, Mr. Nawalendra Kumar, Mr. Rishabh Kumar, Ms. Asmita and Ms. Trishla Kumari, Advs.

versus

UOI .....Respondent Through: Mr. Varun Chugh, SPC with Ms. Shagun Shahi Chugh and Ms. Kavya Roy Choudhur, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% 04.02.2026

1. Admittedly, the Petitioner is now more than 50 years of age. He

appeared in the Civil Services Examination (CSE), 2001, claiming reservation under the Other Backward Classes (OBC) category, and secured an All India rank of 371 in the Combined Examination. The Petitioner was initially not allotted a service under Rule 16 of the CSE Rules, 2001. Consequently, the Petitioner filed Original Application No. 216/2004 before the Central Administrative Tribunal (CAT), Principal Bench, New Delhi, challenging the allocation process.

2. By its judgment dated 02.03.2007, the CAT directed, inter alia,

as follows: 14. Persons, who had been selected along with them might have improved their career substantially. Therefore, applicants have to be placed at appropriate position, if possible by accepting their

preferences, or in any case conferring on them residuary positions, duly taking note of principles of allotment statewise and other attendant requirements. They have to be accommodated at appropriate place in the seniority positions, as if they had come to the service, from the date on which persons below their respective ranks came to be appointed. The assignment of seniority should be with notice to affected persons.

They will be deemed as having joined duty as above for all purposes, including fixation but monetary benefits will be confined and available only from the day they join duty.

3. Pursuant to the CATs directions, the Petitioner submitted

representations seeking allocation to a service in accordance with his preferences. The Respondent, by letter dated 01.05.2007, allocated the Petitioner to the Armed Forces Headquarters (AFHQ) Group B Service. The Petitioner joined the allocated service, but subsequently filed O.A. No. 2632/2008 before the CAT, seeking allocation to a higher-preference service. The said O.A. was dismissed by the CAT on 12.12.2008. It is this dismissal which forms the subject matter of the present Writ Petition, filed before this Court in 2009.

4. It is pertinent to note that the Writ Petition has been pending for

nearly 17 years. The Petitioner has already served a substantial portion of his service period, having completed more than two-thirds of his service period. At this advanced stage, reallocation to another service, even if justified on paper, would result in administrative and operational disruption within the batch selected in 2003, affecting seniority, service records, and overall cadre management.

5. Keeping in view the CATs earlier directions, the subsequent

allocation, and the practical difficulties associated with changing the Petitioners service at this stage, this Court is not inclined to exercise its writ jurisdiction to direct a reallocation. This Court recognizes the Petitioners grievances regarding preference and allocation; however, the lapse of time, coupled with the completion of a significant portion of his service, makes intervention inequitable and impracticable.

6. In the circumstances, the present Writ Petition is disposed of with the observations above.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 04, 2026/sp/pl

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com