

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 37453/2025

[Arising out of impugned final judgment and order dated 29-11-2023 in WRIT-A No. 17678/2023 21-01-2025 in CMRA No. 19/2025 passed by the High Court of Judicature at Allahabad]

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

SANDEEP KUNWAR SINGH & ORS.

Respondent(s)

(IA No. 174050/2025 - CONDONATION OF DELAY IN FILING)

Date : 05-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) :Ms. Archana Pathak Dave, A.S.G.
Mr. Kamal Digpaul, Adv.
Mr. Amit Sharma-ii, Adv.
Mr. Yashraj Bundela, Adv.
Mr. Sachin Sharma, Adv.
Mr. Amrish Kumar, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Ms. Archana Pathak, learned ASG invites our attention to Clauses -127 (1) and 189 (4)(i)(a) which are extracted herein under:

"127(1) The posts in the category of Ticket Collectors in the pay scale Rs.3050-4590 will be filled as under:
(i) 50% by direct recruitment through Railway Recruitment Board;
(ii) 33-1/3% by promotion by a process of selection from eligible Group 'D' categories of staff as specified by the Zonal Railways as per procedure prescribed in para 189; and

(iii) 16-2/3% by promotion entirely on merit of Matriculate Group 'D' employees from eligible categories, as specified by the Zonal Railways for (ii) above, with a minimum of 2 years regular service in the concerned seniority unit on the basis of a competitive examination consisting of Written Test and Record of Service of 85 and 15 marks respectively.

4(i)(a) The posts of Commercial-cum-Ticket Clerk (Pay Level-3 of the 7th CPC Pay Matrix) under the 33-1/3% quota shall be filled by the process of General Selection based on merit (not seniority)"

2. She has also invited our attention to the Circular dated 06th February, 2014 (Annexure A-3) at page 15 of the additional affidavit.

3. It is argued that the selection process had to be based on merit and not seniority, which condition was erroneously inserted in the Advertisement dated 08.02.2022 (Page 43 of the main petition). Realizing the mistake, the State/Authorities took remedial measures by issuing communication dated 02.08.2022 withdrawing the Advertisement (page 47 of main paper book).

4. Delay condoned.

5. Issue notice, returnable on 19.09.2025.

6. Dasti service, in addition, is permitted. Let steps for service be taken within two weeks.

7. In the notice itself let it be mentioned that respondents are required to file their counter affidavit and reply to the interlocutory application(s), if any, before the next date of listing.

8. In the meanwhile, operation of the order dated 19.05.2023 in O.A. No.766/2022 passed by the learned Tribunal Allahabad which has been affirmed by the judgment and order dated

29.11.2023 in W.P.A-17678/2023 & order dated 21.01.2025 in Review Petition No. 19/2025 in W.P. No.17678/2023 passed by the High Court of Judicature at Allahabad and order dated 30.05.2025 in Contempt Petition No. 109/2023 in O.A. No. 766/2022 passed by the Tribunal Allahabad, shall remain stayed.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)