

Sh. Mithlesh
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Subject: Providing information w.r.t. Original RTI Application received under the RTI Act 2005.


Reference: RTI application dated 16.01.2024 (Registration No. DFCCCL/R/E/24/00063) and received through DOPT portal.

Information, as obtained from the concerned record holding office, is provided herewith as under;

S. No	Point No.	Information sought	Information provided
1.	1 & 2	Refer to the original RTI application dt. 16.01.2024	Copy of the Interim Order dated 02.11.2023 issued in the W.P. (c) 14073/2023 & CM APPL. 55636/2023 by the Hon'ble High Court of New Delhi is enclosed.
2.	3 to 6		You are seeking information in form of hypothetical question which does not qualify under section 2(f) of RTI Act, 2005.

First Appeal if any may be made to the First Appellate Authority within 30 days of receipt of reply. The name, designation & address of the First Appellate Authority is as under;

Mr. Gaurav Sharma
GM/Administration DFCCIL,
5th Floor, Supreme Court Metro Station Building,
Pragati Maidan, New Delhi-110001



(S.K. Panda)
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14073/2023 & CM APPL. 55636/2023

MR. SUMAN KUMAR SINGH AND ORS Petitioners

Through: Mr. Amit Kumar, Senior Advocate
with Mr. Vivek Singh, Advocate

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA

LTD.AND ANR. Respondents

Through: Mr. V S R Krishna and Mr. V
Shashank Kumar, Advocates for R-1
Mr. Vineet Dhanda, CGSC, with Mr.
Durga Dass Vashist, Advocate for
UOI

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
02.11.2023

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1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of the petitioners seeking the following reliefs:

- "i) To issue Writ(s), Order(s) or Direction(s) in nature of Mandamus for quashing of the impugned Circular No. 846/2023 dated 06.10.2023 issued by the Respondent No. 1 to the extent it prohibits the petitioners to appear in the competitive exam for promotion and/or;*
- ii) To issue Writ(s), Order(s) or Direction(s) in nature of Mandamus to direct the respondents to include the name of the petitioners in the list of eligible candidates for appearing in the competitive exam to be held on 03.11.2023 for promotion from*



*one cluster to another in the respondent no.1 organization;
and/or*

iii) To quash the list of candidates as notified by the Respondent No. 1 alongwith the Circular No. 846/2023 dated 06.10.2023

iv) Pass any other order/further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. Heard.
3. Issue notice. Learned counsel appearing on behalf of the respondents accepted notice and prayed for four weeks' time to file counter affidavit. Let the same be filed within four weeks as prayed. Rejoinder thereto, if any, be filed within two weeks thereafter.
4. List on 15th January, 2024 for final hearing.

CM APPL. 55635/2023 (Direction)

1. The instant application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the petitioners seeking the following reliefs:

*“(A) Direct the Respondents to permit the Petitioners to appear in the Computer Based Test (CBT) scheduled on 03.11.2023;
and/or*

(B) pass such further or other orders as this Hon' ble Court may deem fit and proper in the circumstances of this case.”

2. It is the case of the petitioners that their names were not included in the list of eligible candidates for appearing in the examination to be held on 3rd November, 2023, whereby, they were to be promoted from cluster C to cluster D, in the respondent no.1 organisation. The respondent no.1 organisation vide circular dated 6th October, 2023 fixed the cut-off date as



1st January, 2023 and the candidates appearing in the said examination were to have a prerequisite of 3 years of service. However, the petitioners were not permitted to appear for the said examination, despite having more than 3 years of service.

3. Learned counsel appearing on behalf of the respondents accepted notice and submitted that the Computer Based Test (CBT) is scheduled tomorrow i.e. 3rd November, 2023 and in pursuance of the order dated 30th October, 2023, the short affidavit has already been filed by the Department.

4. Heard learned counsel appearing on behalf of the parties in detail.

5. This Court has perused the short affidavit filed on behalf of the respondent-Department and finds that the matter requires detailed consideration.

6. As the Computer Based Test (CBT) is scheduled to be held tomorrow i.e. 3rd November, 2023, in the interest of justice and after considering the entirety of the matter, the petitioners have made out a *prime facie* case to grant the interim relief.

7. Accordingly, the respondent no. 1 may proceed for the recruitment test as per the schedule i.e., 3rd November, 2023. It is further directed that the result of the Computer Based Test (CBT) scheduled on 3rd November, 2023 shall be kept in abeyance, till the disposal of the instant writ petition.

8. Accordingly, the instant application is disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 2, 2023

gs/ds

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