

Ministry of Defence  
O/o the JS & CAO

E Block, Dara Shikoh Road,  
New Delhi, the 20 November 2017

**SPEAKING ORDER : OA NO. 2612/2013 : SH RAJESH GUPTA & ORS**  
**Vs UOI & ORS BEFORE THE HON'BLE CAT (PB), NEW DELHI**

Whereas, the Hon'ble CAT vide order dated 7.9.2017 in OA No. 2612/2013, have directed that:-


- (a) Impugned order dated 30.10.2012 is quashed.
- (b) The impugned OM dated 10.08.2010 which already stands quashed by the Hon'ble Haryana & Punjab High Court shall not be operated upon.
- (c) As regards the claim of the applicants for quashing the Select Lists dated 23.12.2010 and 7.10.2011, they are at liberty to make appropriate representations to the official respondents for their consideration. In the event such representations are made within a period of one month, the same shall be decided by respondent No. 2 by passing a reasoned and speaking order within a period of two months from the date of receipt thereof.

And whereas representations have been received from Sh. Rajesh Gupta and Sh. Imtayaz Ahmad requesting that in light of the Hon'ble CAT (PB) order dated 07.09.2017 directing the OM dated 10.08.2010 not to be operated upon, the select lists dated 23.12.2010 and 07.10.2011 be quashed and review DPCs be carried out without taking into account the effect of OM dated 10.08.2010.

And whereas in compliance of the Hon'ble CAT's directions in OA No. 2612/2013, the representations have been examined. It is brought out here that DOP&T vide their OM dated 30.09.2016 have informed that an SLP challenging the Hon'ble Punjab and Haryana High Court judgement dated 15.07.2011 quashing the DoP&T OM dated 10.08.2010 is pending in the Hon'ble Supreme Court. No directions for review/cancelling of Select Lists based on OM dated 10.08.2010 have been given. In view of the above since the matter involves issue of larger Govt policy on the applicability of OM dated 10.08.2010; the decision on which has to be taken by DOP&T as it is common for all Govt deptts. Hence

any decision on the subject matter is outside the jurisdiction of this Deptt as the Select List dated 23.12.2010 & 07.10.2011 have been issued as per extant Govt policy and the same cannot be quashed/revised till necessary orders on the applicability of OM dated 10.08.2010 are given by DOP&T.

In compliance with the Hon'ble CAT order dated 07.09.2017, in the Hon'ble CAT (PB) in QA 2612/2013 in the matter of Sh Rajesh Gupta & Ors Vs UOI & Ors, the representations stand disposed off.

  
(Shyamala Parsheera)  
SAO/P-1

**Shri Rajesh Gupta, ASO**

Dte of PM (Air), Air Headquarters  
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**Shri Imtayaz Ahmad, ASO**

Sub Accounts Office, Air Headquarters  
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**CAO/Legal Cell:** For information