



2026:AHC:48338-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2743 of 2026

Pujan Kumar Gautam and 2 others

.....Petitioner(s)

Versus

Union of India and 2 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pradeep Kumar Tiwari, Utpal Chatterji
Counsel for Respondent(s)	:	Shiv Kumar Pal, Dy. S.G.I.

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 29.10.2025 passed in Original Application No. 1530 of 2014 passed by the Central Administrative Tribunal, Allahabad Bench, Allahabad whereby though the cancellation of candidature of the petitioners was set aside by the Tribunal it was directed that they be appointed on Group-D post 'if seats are still vacant' and if they are within the zone of consideration/merit list and fulfill all other selection criteria within a period of three months.

2. Challenge was laid on the ground that the Tribunal was not justified in requiring that the appointment be accorded in case the seats are still vacant and it was required of the Tribunal to direct the respondents to create supernumerary posts for according appointment to the petitioners as *qua* pendency of the petition before the Tribunal since 2014, they cannot be deprived of the relief.

3. Counsel for the respondents made submissions that after the orders passed by the Tribunal, an order dated 19.01.2026 has been passed by the Railway Recruitment Cell *inter-alia* indicating that there are no vacancy left against the employment notice dated 15.12.2010 and therefore, the petitioners are not entitled to any relief.

4. Further submissions have been made that the petition was allowed on account of the judgement in **Vijay Pal and others v. Union of India : Writ - A No. 21096 of 2018** decided on 16.05.2023, wherein during pendency of the Original Application before the Tribunal, there was an

interim order directing the respondents to keep 23 posts vacant for the petitioners therein, however, there was no such direction in the present case and therefore, the Tribunal was not justified in directing grant of relief subject to if the seats are still vacant and therefore, the petition deserves dismissal.

5. We have considered the submissions made by counsel for the parties and perused the material available on record.

6. The only ground on which the Tribunal has allowed the petition is by relying on judgement in the case of **Vijay Pal (Supra)**.

7. A perusal of the said judgement indicates that in para-7 of the said judgement, the Division Bench noticed that in the Original Application interim order dated 31.12.2015 was granted directing the respondents to keep 23 Group-D posts vacant and whereafter, in the writ petition also the said interim order was continued. The said fact whereby by way of interim order specific posts for the petitioners therein were kept vacant, the said aspect cannot be applied in the present case as admittedly there was no interim order granted by the Tribunal and once pursuant to the advertisement in question, all the posts have been filled up, the directions given by the Tribunal requiring to accord appointment if seats are still vacant cannot be faulted.

8. In view of above discussions, we do not find any reason to interfere with the order passed by the Tribunal.

9. The petition has no substance. The same is, therefore, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

March 10, 2026

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