



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No. 4065/2014 With
M.A No. 2919/2018 &
M.A No. 1383/2018**

This the 7th day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Jogender Singh
S/o. Hukam Chand,
Aged about 40 years,
R/o. House No. 437, Village
And post office Kanjhawala,
Delhi – 110 081.
Posted as: Assistant Director

2. Neerak Kant Sharma
S/o. Sh. K. K. Sharma,
Aged about 44 years,
Ra/o. D-2/53, Jeevan Park,
Pankha Road, New Delhi – 110 059.
Posted as : Assistant Director

...Applicants

(By Advocate : Mr. Sudarshan Rajan)

Versus

1. Government of NCT of Delhi
Through its Chief Secretary,
I.P. Estate, New Delhi.

2. New Delhi Municipal Council,
Through its Chairman/Secretary,
Palika Kendra, New Delhi.

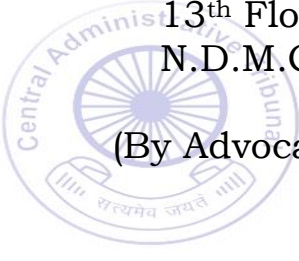
3. Dr. Vinod Kumar
Section Officer (Horticulture)
Presently holding Current Duty Charge as
Assistant Director (Horticulture)
Through Director (Horticulture), South
13th Floor, Palika Kendra,
N.D.M.C., New Delhi.

4. Sh. Deepak Kumar Ravi
Section Officer (Horticulture)
Presently holding Current Duty Charge as
Assistant Director (Horticulture)

Through Director (Horticulture), South
13th Floor, Palika Kendra,
N.D.M.C., New Delhi.

...Respondents

(By Advocate : Ms. Sriparna Chatterjee)



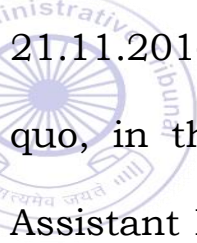
O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicants were working as Section Officers in the New Delhi Municipal Council (NDMC). Promotion from that post is to the post of Assistant Director (Horticulture). In the context of making promotion, the applicants apprehended that the case of their juniors is being considered even while they are kept aside. They filed this O.A with a prayer to direct the respondents to conduct the DPC for the existing four vacancies, strictly in accordance with the rules and to restrain them from considering the candidature of any reserved category Section Officer. The applicants have raised several contentions and stated that there was no justification for the respondents in not processing their profiles, even while considering the case of private respondents.

2. Respondents filed counter affidavit clarifying their stand in the entire issue.

3. We heard Mr. Sudarshan Rajan, learned counsel for applicants and Ms. Sriparna Chatterjee, learned counsel for respondents.



4. Initially, this Tribunal passed an interim order on 21.11.2014, directing the respondents to maintain status quo, in the context of making promotion to the post of Assistant Director (Horticulture). That order was modified on 17.07.2018, permitting the respondents to conduct the DPC. Today, it is brought to our notice that DPC was held and the applicants were promoted to the post of Assistant Director (Horticulture), through order dated 26.07.2018. With that, the grievance of the applicants stand redressed.

5. Though, an attempt is made by the learned counsel for applicants to convince us to issue direction in the context of fixation of seniority in the post of AD (Horticulture), we are of the view that the respondents need to undertake that exercise, separately. As and when such exercise is taken up, it shall be open to the applicants to put forward their contention. If a seniority list has already been issued, it shall be open to the applicants to work out their remedies, if they have any grievance, about it.

6. The O.A is disposed of accordingly. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/