



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2037/2020

This the 18th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Mohd. Illyas,
J-110, Azad Apartments,
Plot No. 111,
IP Extension, Patparganj,
New Delhi – 110092.

... Applicant

(through Mr. Dileep Poolakaat and Mr. Harshit, Advocate)

Versus

The Commissioner,
North Delhi Municipal Corporation,
Dr. Shyama Prasad Mukherjee Civic Centre,
Minto Road, Delhi – 110002.

... Respondents

(through Ms. Anupama Bansal and Mr. R. K. Jain,
Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:



The Applicant joined the service of Municipal Corporation of Delhi in the year 1983 as Junior Engineer. Thereafter, he was appointed, afresh through competitive selection, as Assistant Engineer, in the year 1990. He was promoted on ad hoc basis, to the post of Executive Engineer on 13.11.1997. On account of pendency of the disciplinary proceedings against him, the applicant was not considered eligible for promotion to the post of Superintending Engineer, on ad hoc basis in the year 2010 while his juniors were promoted on that basis. On conclusion of the disciplinary proceedings, the applicant was promoted to the post of Executive Engineer on 12.01.2017 on regular basis. Thereafter he was promoted to the post of Superintending Engineer on ad hoc basis, through order dated 27.11.2019.

2. The applicant contends that he is entitled to be extended the benefit of promotion to the post of Superintending Engineer on ad hoc basis from the year

2010 itself on par with his juniors. He complained that on account of his juniors being promoted on ad hoc basis, earlier to him, they are drawing higher emoluments, whereas he is getting relatively lower emoluments. He made a representation to the respondents on 30.01.2020, and states that they did not pass any orders thereon. This OA is filed with a prayer to quash the order passed by the respondents dated 27.11.2019, and to fix his pay in the appropriate pay Matrix. Various other prayers are also made.



3. We heard Mr. Dileep Poolakaat and Mr. Harshit, learned counsel for the applicant and Ms. Anupama Bansal and Mr. R. K. Jain, learned counsel for the respondents.

4. It is no doubt true that the Assistant Engineers who were junior to the applicant were promoted to the post of Executive Engineer on ad hoc basis, even while he was denied that benefit, on account of the pendency of the disciplinary proceedings. In the year 2017, he was promoted to the post of Executive Engineer, and he has no complaint about it. His grievance is that he must be

considered for promotion on ad hoc basis to the post of Superintending Engineer from year 2010. No rule is cited in this behalf. Normally, the facility of retrospective promotion is not extended in the case of ad hoc promotions. Be that as it may, the representation of the applicant is pending for more than one year and it cannot be kept pending further.



5. We, therefore, dispose of the OA, with a direction to the respondents to pass orders on the representation submitted by the applicant dated 30.01.2020, within a period of two months from the date of receipt of a copy of this order.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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