

Central Administrative Tribunal Principal Bench

**OA No.100/1025/2020
MA No.1276/2020**

New Delhi, this the 17th day of August, 2020

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

Dr. Surender Kumar Bhandoria
S/o. Late Dr. D. S. Rai Bhandoria
R/o. D-503 Raheja Atharva
Sector 109
Dwarka Expressway
Haryana – 122 001
Age – 49 years
Designation – Dy. Director (Education)
Group – A
Subject – PromotionApplicant

(By Advocate : Mr. N. K. Bhatnagar)

Versus

1. North Delhi Municipal Corporation,
Through its Commissioner,
Dr. Shyama Prasad Mukherji Civic Centre,
JLN Marg, New Delhi – 110002.
2. South Delhi Municipal Co-operation
Through its Commissioner,
Dr. Shyama Prasad Mukherji Civic Centre,
JLN Marg, New Delhi – 110002.

3. The Union Public Service Commission (UPSC)
Its Secretary
Shahjahan Road,
New Delhi - 110 002. ...Respondents

(By Advocate : Mr. R. V. Sinha and Mrs. Sriparna Chatterjee)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant was appointed as an Assistant Education Officer (AEO) in the North Delhi Municipal Corporation on 26.08.2011, by way of direct recruitment. The post was redesignated as Assistant Director (Education). He was promoted to the post of Deputy Director (Education) on 25.10.2019, on the basis of the recommendation of DPC.

2. The grievance of the applicant is that though he is otherwise eligible to be considered for promotion to the post of Additional Director, the respondents are not taking any steps in this behalf. According to him, he is eligible as per the Recruitment Rules for the post of Additional Director. It is also stated that the two representations submitted by him in this behalf are pending.

3. Shri N. K. Bhatnagar, learned counsel for the applicant contends that once the applicant acquired the eligibility to be promoted and, a vacancy is available, there is no reason to delaying the process and that the respondents are under obligation to convene the DPC.

4. Shri R. V. Sinha, and Ms. Sriparna Chattarjee, learned counsel for the respondents, on the other hand, submit that the applicant was promoted to the post of Deputy Director of Education as recently as on 25.10.2019, and he is laying claim for the post of Additional Director, hardly before he completed one year of service in the feeder category. According to them it is only the Deputy Directors, who have completed four years of service, that are eligible to be considered and the promotion cannot be claimed as of right.

5. The applicant seeks a direction to the respondents to convene a DPC for promotion to the post of Additional Director. According to the recruitment rules, the minimum standing of a Deputy Director for being considered for promotion is four years. It is no doubt true that the rule further provides that in the absence of qualified candidates with four years standing, alternative provision is also there. The question as to whether there exists any vacancy of Additional Director, and if so, whether the respondents intend to fill the same by taking recourse to the alternative methods, needs to be examined. As the things stand now, it cannot be said that there

was any undue delay or default on the part of the respondents. At the same time, the representations submitted by the applicant need to be considered.

6. Therefore, we dispose of the OA directing the respondents to pass orders on the representations submitted by the applicant within a period of two months from the date of receipt of copy of this order.

7. M.A. 1276/2020 shall stand disposed of.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/sd