

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



**OA No.1863/2016
MA No.719/2020**

This the 26thday of February, 2021

(Through Video Conferencing)

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

Shri Vijender Singh Chauhan,
Age -58 (Section Officer),
S/o Shri Bhawaner Singh,
R/o. 25-C, Gali No. 1-B, Durgapuri Extn.,
Loni Road, Shahdara, Delhi.

...Applicant

(By Advocate: Mr. Rajeev Sharma)

VERSUS

1. The Commissioner,
North Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre, 4th Floor,
J.L. Marg, New Delhi.
2. Director (Personnel),
North Delhi Municipal Corporation,
Dr. S.P. Mukherjee Civic Centre, 5th Floor,
J.L. Marg, New Delhi.

...Respondents

(By Advocate: Mr. D. S. Mahendru)

ORDER (Oral)

Justice L. Narasimha Reddy:

The applicant was initially appointed as Mali in Municipal Corporation of Delhi on ad-hoc basis in the year 1985. Thereafter, his services were regularised in the year



1989. He was promoted to the post of Technical Supervisor (TS) on 10.12.2001.

2. The persons holding the post of TS were complaining that there are no promotional avenues for them. In WP (C) No. 19053-56/2005, the Hon'ble High Court of Delhi issued a direction dated 28.09.2005 to the respondents to ensure that there exist promotional avenue for the post of TS also.

3. The applicant contends that the respondents have issued an office order dated 05.12.2005 equating the post of TS with that of Garden Chaudhary (GC), which in turn is the feeder category to the post of Section Officer (SO), and despite that he is not being considered for promotion to the post of SO. This OA is filed with a prayer to direct the respondents to promote the applicant to the post of SO by holding a DPC.

4. The respondents filed a detailed counter affidavit. It is stated that according to the recruitment rules, the only feeder category for promotion to the post of SO is GC, with 3 years of standing in that post, and since the applicant did not fulfil that condition, he was not entitled to be extended the benefit.

5. We heard Mr. Rajeev Sharma, learned counsel for the applicant and Mr. D. S. Mahendru, learned counsel for the respondents.

6. It is not in dispute that under the recruitment rules, the promotion to the post of SO is only from the post of GC. The applicant, no doubt was promoted to the post of TS on



10.12.2001. However, there is nothing on record to disclose that he has ever been promoted to the post of GC. The observation made by the Hon'ble High Court in the Writ Petition did not lead to the amendment of rules. It is a different matter that the petitioner in the said Writ Petition is said to have been extended the benefit of promotion.

7. To avoid further complications in the matter, the respondents have merged the post of TS with that of GC. Thereby, the applicant held the post of GC from 2008 onwards. At the most he can claim the benefit of seniority in the post of GC from the year 2008 onwards. However, by the time he completed 12 years of service in that post, he retired. No relief can be granted to the applicant at this stage. The OA is accordingly dismissed.

Pending MA also stands disposed of.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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