

Item No.21



**CENTRAL ADMINISTRATIVE TRIBUNAL`  
PRINCIPAL BENCH, NEW DELHI**

**RA No.107/2019, OA No. 333/2013,  
MA No.1328/2021, MA No.1477/2019**

**This the 28<sup>th</sup> day of June, 2021**

(Through Video Conferencing)

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

**RA No. 107/2019**

Delhi Jal Board  
Varunalaya, Phase-II  
Jhandewalan, Karol Bagh,  
New Delhi.

...Review Applicant.

(By Advocate: Mr. Sanjay Ghose with Ms. Sakshi Popli)

Versus

1. Yeshpal Gupta  
S/o Late Sh. Rattan Lal Gupta  
R/o E-202 Pandav Nagar,  
Delhi-110091
2. Yash Prakash  
S/o Sh. Jagbir Singh  
R/o 73A, Kundan Nagar  
Delhi-110092.
3. Rakesh Dutt Yogi  
S/o Late Sh. Amar Singh  
R/o 9/7527,  
Street No.4 Amar Mohalla,  
Old Seelampur, Delhi 110031
4. V.K. Gupta,  
S/o Sh. K.L. Gupta  
R/o C-8/263,  
Yamuna Vihar,  
Delhi-110053

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5. DSSSB through its Secretary,  
Institutional Area Behind Karkardooma  
Court, Delhi

Sandeep Kapoor  
S/o Late Sh. S.K. Kapoor  
R/o F-29, Double Storey Lodhi Colony,  
New Delhi-110003

...Respondents

(By Advocates: Mr. Arun Panwar, Mr. Rajeev Kumar, Mr. R.K. Jain  
and Mr. Nilansh Gaur for respective respondents)

### **O R D E R (ORAL)**

**Justice L. Narasimha Reddy, Chairman :**

#### **RA No. 107/2019**

This Review Application is filed with a prayer to review the Order dated 10.05.2018 passed by this Tribunal in OA No.333/2013. The Delhi Jal Board (DJB), the 2<sup>nd</sup> respondent in the OA and its officials i.e. respondents No.3 to 5 are the applicants in the Review Petition. For the sake of convenience, the parties are referred to as arrayed in the OA.

2. The applicants were appointed as Junior Engineers between the years 1981 and 1983 with Diploma qualification. The 6<sup>th</sup> respondent, on the other hand, was appointed as a Junior Engineer in the erstwhile Delhi Jal Board in the year 1989. He was promoted to the post of Assistant Engineer (AE). Thereafter, he got ad hoc promotion to the post of Executive Engineer (EE). On

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account of some dispute as regards the nature of appointment of the 6<sup>th</sup> respondent, an order was passed on 17.10.2012 adjusting him against a vacancy of direct recruitment.

3. The applicants filed the O.A. challenging the order dated 17.10.2012 and subsequent order dated 26.10.2012 through which the 6<sup>th</sup> respondent was promoted to the post of EE on ad hoc basis.

4. The plea of the applicants was that the 6<sup>th</sup> respondent ought not to have been appointed against direct recruitment vacancy at all. Respondents in the OA, on the other hand, pleaded that the 6<sup>th</sup> respondent was one of the selected candidates for direct recruitment and on account of implementation of excessive reservation, he was given low rank and that was corrected in the year 2012. It was also pleaded that the applicants have no *locus standi* to challenge the said appointment. The Tribunal allowed the OA and has set aside the Orders dated 17.10.2012 and 26.10.2012. The consequential benefits were allowed. Review of the order in the O.A. is sought.

5. Today, we heard Mr. Sanjay Ghose, learned counsel for the Review Applicant and Mr. Arun Panwar, Mr. Rajeev Kumar, Mr. R.K. Jain and Mr. Nilansh Gaur, learned counsel for the respective respondents in the RA.

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6. The applicants were already working as Junior Engineers Engineer from 1981 onwards. The respondent No.6 joined the service in 1989. Except that some correction was made as regards his method of appointment in the year 2012, his appointment remained intact. It is just un-understandable as to what grievance the applicant can have about the appointment or adjustment of the 6<sup>th</sup> respondent. It is only an unsuccessful candidate, who could have been benefited, in case the appointment of 6<sup>th</sup> respondent is set aside; that can file the OA. The applicants do not have any *locus standi* whatever to challenge the appointment of the 6<sup>th</sup> respondent. At the most they could have raised the grievance with regard to the fixation of seniority between them and the 6<sup>th</sup> respondent. That was never their grievance.

7. The immediate grievance of the applicants was about the ad hoc promotion of the 6<sup>th</sup> respondent to the post of EE. By the time the OA was decided, one applicant retired and the others were on the verge of retirement. By now, all of them have retired. The occasion for anyone to complain about the discrimination or denial of promotion would arise only when it is done on regular basis. The ad hoc promotions are resorted to, with a view to meet the exigencies of work. No one can claim the ad hoc promotion, as a right.

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8. What is a bit incongruous is that, on the one hand, the appointment of the 6<sup>th</sup> respondent was set aside and, on the other hand, consequential reliefs are granted. If the appointment of the 6<sup>th</sup> respondent is set aside, the question of any comparison being drawn, does not arise. Assuming that the 6<sup>th</sup> respondent remained in service, the only relief that can be granted to the applicants is that their cases shall be considered by the concerned agency, on par with or superior to, the 6<sup>th</sup> respondent. No such direction was issued and, in the meanwhile, all the applicants have retired.

9. The law is fairly well settled that question of promoting a retired person does not arise. Consequential benefits stand on the same footing. When there is no issue of promotion, the issue of consequential benefits does not arise. Unfortunately, these important aspects missed the attention of the Tribunal when it decided the OA. We, therefore, allow the RA and review the Order dated 10.05.2018.

**O.A. No.333/2013**

10. In view of the discussion undertaken by us, the OA stands dismissed. Pending MAs also stand disposed of.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

*/jyoti/sarita/vb/ankit/*