

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

OA-405/2013

New Delhi this the 7th day of October, 2016.

**Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Dr. Brahm Avtar, Member (J)**

Rajender Singh Vashisth,
S/o Sh. Dilip Singh,
R/o A-1/155, Sec-3,
Rohini, Delhi.

.... Applicant

(through Sh. M.K. Bhardwaj, Advocate)
Versus

MCD & Ors. through:

1. The Director,
Local Bodies,
New Secretariat,
I.P. Estate, New Delhi.
2. The Commissioner,
North Delhi Municipal Corporation,
Civic Centre, New Delhi.
3. The Commissioner,
South Delhi Municipal Corporation,
Civil Centre, New Delhi.
4. The Director (Personnel),
North Delhi Municipal Corporation,
Civil Centre, New Delhi.

.... Respondents

(through Ms. Alka Sharma, Advocate for R-1, Mr. Manjeet Singh
Reen, Advocate for R-2 and R-4 and Sh. R.K. Jain, Advocate for R-3)

ORDER (Oral)

Mr. Shekhar Agarwal, Member (A)

This O.A. has been filed seeking the following relief:-

"(i) To quash and set aside order dated 01.01.2013 to the extent the applicant has been denied even adhoc promotion.

- (ii) To declare the action of respondents in not promoting the applicant to the post of AE (Civil) as illegal, arbitrary and unconstitutional.
- (iii) To direct the respondents to promote the applicant to the post of AE (Civil) on adhoc basis from July 2009 i.e. the date of promotion of his juniors with all consequential benefits including arrears of pay.
- (iv) To direct the respondents to promote the applicant to the post of AE (Civil) as per his entitlement with all consequential benefits.
- (v) To allow the OA with cost.
- (vi) To pass such other and further orders which their lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case."

2. Today, when this matter was taken up, learned counsel for the applicant submitted that his case was similar to OA-3158/2016 and OA-3024/2016 in which the following order has been passed by this Tribunal:-

"Learned counsel for the applicant has submitted that the applicant was seeking promotion to the post of A.E(Civil) as the criminal proceedings pending against him have been inordinately delayed. He is relying on the judgment of Hon'ble High Court of Delhi in Writ Petition No. 10656/2015 dated 28.07.2016 in the case of **North Delhi Municipal Corporation vs. Rakesh Ahuja**. The applicant has submitted representation to the respondents on 16.04.2012 but no decision has yet been taken on the same.

2. Learned counsel for the applicant submitted that the applicant would be satisfied in case directions were issued to the respondents to consider the representation of the applicant in the light of the aforesaid judgment of Hon'ble High Court of Delhi and extend the same benefits to him as were granted to the respondent therein.

3. In view of the limited prayer made by the applicant, we dispose of this OA at the admission stage itself without issuing notice to the respondents and without going into the merits of the case with a direction to them to consider the case of the applicant in the light of the judgment of Hon'ble High Court in Writ Petition No. 10656/2015 and pass appropriate orders within a period of sixty days from the date of receipt of a certified copy of this order. No costs."

He submitted that applicant was seeking similar directions in this case as well.

3. Accordingly, we dispose of this O.A. with a direction to the respondents to examine the case of the applicant herein in the light of judgment of Hon'ble High Court of Delhi. In Writ Petition No. 10656/2015 (**North Delhi Municipal Corporation Vs. Rakesh Ahuja**) dated 28.07.2016 and pass reasoned and speaking order within a period of 60 days from the date of receipt of a certified copy of this order.

(Dr. Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/