

**Central Administrative Tribunal
Principal Bench**

OA No.3090/2016

New Delhi, this the 12th day of September, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

V. Satish Kumar
S/o Shri V. Kumaraswami
Aged 41 years,
Dy. Director (Horticulture)
R/o House No.122, MCD Quarters,
Nimri Colony, Ashok Vihar, Phase-IV,
Delhi.

...Applicant.

(By Advocate : Shri Rajeev Sharma)

Versus

1. North Delhi Municipal Corporation
(through its Commissioner)
Dr. S. P. Mukherjee Civic Centre,
J. L. Marg,
New Delhi.
2. The Commissioner
North Delhi Municipal Corporation
Dr. S. P. Mukherjee Civic Centre,
4th Floor, J. L. Marg,
New Delhi.
3. Director (Personnel)
North Delhi Municipal Corporation
Dr. S. P. Mukherjee Civic Centre,
5th Floor, J. L. Marg,
New Delhi.
4. Union Public Service Commission
(through its Chairman)
Dholpur House, Shahjahan Road,
New Delhi.

... Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

Heard.

2. Issue notice. Shri R. N. Singh, learned standing counsel appears and accepts notice on behalf of respondents No.1 to 3, and Shri R. V. Sinha, learned counsel accepts notice on behalf of respondent No.4.

3. The applicant is working as Assistant Director in the North Delhi Municipal Corporation. It is stated that he is entitled to be promoted to the post of Deputy Director (Horticulture) as he has completed seven years of qualifying service as Assistant Director.

4. The grievance of the applicant as projected in this OA is that the respondents have not convened DPC for eleven years. The applicant has made a representation dated 08.12.2015 (Annexure A-2), but no decision is taken thereon till date. The applicant has placed on record Recruitment Regulations (Annexure A-1) wherefrom it appears that he is eligible for promotion to the post of Deputy Director (earlier known as Deputy Superintendent) as under the recruitment rules, the post of Deputy Director is to be filled up by promotion, failing which by direct recruitment. He has also placed on record Final Seniority List of Assistant Directors (Horticulture) as notified vide Circular dated 12.04.2016, wherein, the applicant is at Sl. No.5.

5. Keeping in view the facts and circumstances of the case, as noticed hereinabove, this OA is disposed of at the admission stage with direction to respondents No.1 to 3 to take decision on the representation of the applicant within a period of one month from the date of receipt of certified copy of this order by passing a reasoned and speaking order. In the event, the respondents decide to convene DPC, the applicant shall be considered in accordance with rules. Issue 'Dasti'.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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