

**Central Administrative Tribunal
Principal Bench**

OA No.3971/2017

New Delhi, this the 30th day of July, 2018

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

Smt. Nirmala, Aged 54
W/o Shri Jagdish Prasad
R/o H. No.90, Pocket H-19
Sector – 7, Rohini, Delhi-110085.
(Group 'A').

.... Applicant

(By Advocate: Shri Jagdish Prasad)

Vs.

1. The Commissioner, North DMC
Dr. S.P.M. Civic Centre
New Delhi-110002.
2. The Commissioner, South DMC
Dr. S.P.M. Civic Centre
New Delhi-110002.
3. The Commissioner, East DMC
S.P.M. Civic Centre
New Delhi-110002.
4. The Commissioner
East Delhi Municipal Corporation
419, Udyog Sadan
Industrial Area, Patparganj
Delhi-110092.

...Respondents

(By Advocates: Shri R.K. Jain, Shri R.V. Sinha with Shri
Amit Sinha and Shri Gaurav Ahlawat for Shri Naresh
Kaushik)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The only relief claimed in this OA is in the form of a direction to the respondents to hold the DPC as per newly framed Recruitment Rules for the post of Deputy Director of Education as notified on 21.02.2017 and to fix the seniority of the applicant and other similarly situated persons.

2. The applicant is working as Deputy Director of Education on ad hoc basis in the North Delhi Municipal Corporation. There was some uncertainty as to the method of promotion to the post of Director. On that issue, a five Member Bench of this Tribunal passed a detailed order in TA No.154/2009 and batch on 27.01.2012. The directions included those for: (i) framing Recruitment Rules and (ii) conducting of DPC in accordance with law. At one stage, the applicant got impleaded in the proceedings and sought certain reliefs. Complaining that the benefit was denied to her, she filed a Writ Petition(C) before the Hon'ble Delhi High Court in WP(C) No.358/2015. The Writ Petition

was dismissed on 01.02.2017. Thereafter, she filed this O.A.

3. The respondents filed separate counter affidavits. It is stated that the directions issued by the Larger Bench have been complied with and for the year in question, the steps are being taken to constitute a DPC and that it would take some time for the process, to be finalized.

4. We heard Shri Jagdish Prasad, learned counsel for the applicant and Shri R.K. Jain, Ms. Sangita Rai, Shri R.V. Sinha for Shri Amit Sinha and Shri Gaurav Ahlawat for Shri Naresh Kaushik, learned counsel for the respondents.

5. The applicant made an effort to get the benefit in terms of the Order passed by the Larger Bench and in fact filed a Misc. Application also. Through a detailed order, relief was refused. The Hon'ble High Court of Delhi was pleased to uphold the view taken by the Tribunal. The applicant now wants to get relief in terms of the newly framed rules.

6. It is a matter of common knowledge that whenever new rules are framed, the implementation

thereof takes quite some time. As of now, we do not find any cause of action for the applicant. The respondents state that at least four to six months time is required for the same, and the question as regards the DPC, would be finalized soon. Taking the same on record, we dispose of the OA. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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