

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.647/2013

Wednesday, this the 8th day of May 2019

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

1. Rajeshwari Rawat
w/o Shri Baldev Singh Rawat
r/o C-640,/93, Shalimar Garden
Ghaziabad
2. Savita Kaushik w/o Sh. Krishan Kumar Kaushik
r/o C-2/38A, Yamuna Vihar
Delhi – 110 053
3. Chanchal Arora @ Chanchal Gandhi
w/o Sh. Mahender Kumar Arora
r/o G/JU 92-C, Pitam Pura, Delhi
4. Magdalini Purti
d/o Sh. Paulus Purti
r/o D-63/64, Flat No.1, Vishwakarma Colony
Lal Kuan, M B Road
New Delhi – 110 044
5. Savita Malik w/o Sh. Satish Malik
r/o B208/1, Sector 9
Rohini, Delhi

..Applicants

(Mr. U Srivastava, Advocate)

Versus

Union of India through

1. Union of India & others
Through Ministry of Women
& Child Development
Shastri Bhawan, New Delhi – 110 001
2. Govt. of NCT of Delhi
Through the Chief Secretary
New Sect. near ITO, New Delhi
3. The Directorate of Social Welfare
Through its Secretary
Govt. of NCT of Delhi
GLNS Building, Delhi Gate, New Delhi

4. The Directorate of Women & Child Development
Through its Secretary
Govt. of NCT of Delhi
1, Canning Lane
K G Marg, New Delhi

..Respondents

(Mr. Rajinder Nischal, Advocate for respondent No.1 and
Mr. H D Sharma, Advocate for respondent Nos. 2 to 4)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicants were appointed as Supervisor in the Department of Women and Child Development, NCT of Delhi. This O.A. is filed with a prayer to direct the respondents to consider their cases for promotion to the post of Child Development Project Officer (CDPO) in the Department. The applicants contend that by virtue of their seniority and experience, they alone are eligible to be promoted.

2. Respondent No. 1 and respondent No.2 to 4 filed separate counter affidavits. It is stated that the applicants do not have any right to be promoted to the post of CDPO, as they are governed by the respective Service Rules.

3. We heard Mr. U Srivastava, learned counsel for applicants, Mr. Rajinder Nischal, learned counsel for respondent No.1 and Mr. H D Sharma, learned counsel for respondent No.2 to 4.

4. The necessity for us to deal with the O.A. in detail is obviated on account of the fact that out of five applicants,

applicant Nos.1 & 3 were promoted as CDPO vide order dated 17.12.2015 and applicant No.5 was directly recruited to the post. It is also stated that on 24.08.2018, the applicants Nos. 2 & 4, were put on 'look after duty' of the post of CDPO, by taking note of the fact that they do not fulfil the eligibility criteria. In view of this development, nothing remains to be decided in this O.A.

5. Though a prayer is made for direction to the respondents to pay the salary attached to the post of CDPO to applicant Nos. 2 & 4, we are not inclined to accede to the request. The reason is that recently in **Lokpal Singh Negi v. Govt. of NCT of Delhi & others** (O.A. No.2693/2018 and batch) decided on 24.04.2019, the Full Bench of this Tribunal held that an employee holding the 'look after charge' of a superior post is not entitled to be paid the salary attached to such higher post.

6. The O.A. is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 8, 2019
/sunil/