

**Central Administrative Tribunal
Principal Bench**

OA No.1865/2016

New Delhi, this the 28th day of January, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Shri R. S. Meena
Dy. Commissioner,
Age 56 years,
S/o Shri Mam Raj Meena,
49/1, Banglow Road,
Kamla Nagar,
Delhi. ... Applicant.

(By Advocate : Shri M. K. Bhardwaj)

Vs.

1. The Commissioner
North Delhi Municipal Corporation,
Dr. S. P. Mukherjee Civic Centre, 4th Floor
J. L. Marg, New Delhi.
2. The Additional Commissioner (Estt.)
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, 13th Floor
J. L. Marg, New Delhi. ... Respondents.

(By Advocate : Shri R. V. Sinha with Shri Amit Sinha)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

The applicant is now holding the post of Additional Commissioner in North Delhi Municipal Corporation (for short, NDMC). The seniority list for the post of Assistant Commissioner/Dy. Assessor & Collector, which is the feeder

category to the post of Additional Commissioner, is under consideration.

2. Through proceedings dated 14.03.2006, respondents in OA invited objections to the provisional seniority list of Assistant Commissioner. The grievance of the applicant is that though nearly three years have elapsed, the respondents have not taken any steps to finalise the seniority list. It is contended that due to non-finalisation of the seniority list, further promotions are not being effected.

3. In the counter affidavit, the respondents stated that the questions, pertaining to the implementation of reservation as well as the manner in which the Current Duty Charge (for short, CDC) is to be treated, are under consideration before the Corporation as well as the UPSC, and once a clear view emerges on those aspects, the seniority list will be published.

4. We heard Shri M. K. Bhardwaj, learned counsel for the applicant and Shri R. V. Sinha with Shri Amit Sinha, learned counsel for the respondents.

5. Not only the seniority in the post of Assistant Commissioner/Dy. Assessor & Collector, but also the posts superior thereto, is virtually shrouded in prolonged litigation. The record discloses that for a period of twenty years, no promotions were made. Added to that, serious disputes as to the manner in which the CDC must be treated, since the rights of various employees are involved and the interpretation of related

proceedings of law arises to have consideration, the issue could not be finalised for the past about twenty years. Whatever be the justification for the delay till now, it could not brook further delay.

6. We, therefore, dispose of the OA by directing the respondents to finalise the seniority list for the post of Assistant Commissioner/Deputy Assessor & Collector within a period of three months from the date of receipt of certified copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/