

**Central Administrative Tribunal
Principal Bench**

OA No.4224/2018



New Delhi, this the 16th day of December, 2019

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

P.C. Meena, E-in-C (EDMC), Group 'A',
Aged about 52 years,
S/o Late Sh. Ram Sahay,
R/o A-2/165, Janak Puri,
New Delhi-110058.

...Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. North Delhi Municipal Corporation,
Through its Commissioner,
4th Floor, Civic Centre,
Shyama Prasad Mukherjee Building,
New Delhi.
2. South Delhi Municipal Corporation,
Through its Commissioner,
9th Floor, Civic Centre,
Shyama Prasad Mukherjee Building,
New Delhi.
3. East Delhi Municipal Corporation (Hq),
Through its Commissioner,
Udyog Sadan, 1st Floor,
Patparganj Industrial Area, New Delhi.
4. Union Public Service Commission,
Through its Secretary,
Dholpur House,
Shahjahan Road,
New Delhi.

...Respondents

(By Advocates : Shri R.V.Sinha with Shri Amit Sinha,
Shri R.K. Jain and Ms. Neetu Mishra for Shri K.M. Singh)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant is holding the substantive post of Superintending Engineer (SE) in the South DMC. He was promoted to the post of Chief Engineer (Civil) on ad hoc basis and was kept on current duty charge of the post of Engineer-in-Chief. This OA is filed with a prayer to direct the respondents to declare the promotion of the applicant to the post of Chief Engineer and Engineer-in-Chief is on regular basis and to pay the salary attached to those posts. Another declaration sought by the applicant is that the action of the respondents in not promoting him on regular basis, at the relevant point of time, is illegal, arbitrary and unconstitutional.

2. Respondents No.2 & 4 filed separate counter affidavits. It is stated that the regular promotions to the post of Chief Engineer and Engineer-in-Chief could not be made on account of trifurcation process as well as the pending cases.



3. We heard Shri M.K. Bhardwaj, learned counsel for applicant and Shri R.V.Sinha, Shri R.K. Jain and Ms. Neetu Mishra for Shri K.M. Singh

4. For one reason or the other, the regular promotions to the post of Chief Engineer and Engineer- in-Chief were not made in the MCD. Today, it is brought to our notice that this very issue was dealt with by the Hon'ble High Court of Delhi and the matter is pending before the Hon'ble Supreme Court for adjudication in SLP No.23707/2019. In view of that, the Tribunal cannot address that very issue.

5. Therefore, we close the OA, leaving it open to the parties to work out their remedies, depending upon the outcome of the SLP.

There shall be no orders as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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