



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P./100/493/2019
O.A./100/1242/2019
M.A./100/3866/2019

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

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

Krishan Mohan, SE (Civil), Group 'A'
Aged about 58 years,
S/o Late Shri Budhan Singh,
R/o C-2/7, Janak Puri,
New Delhi-110058

...Petitioner

(Through Shri M.K. Bhardwaj, Advocate)

Versus

1. Smt. Varsha Joshi,
Commissioner,
North DMC,
Civic Centre, New Delhi
2. Shri Sandip J. Jacques,
Additional Commissioner (Estt.)
North DMC,
Civic Centre, New Delhi
3. Shri K.P. Singh,
E-in-C,
North DMC,
Civic Centre, New Delhi
4. Shri Vishav Ratan Bansal,
SE (Civil)
Building Headquarter,
Civic Centre, New Delhi

... Respondents

(Through Shri R.V. Sinha and Shri Amit Sinha, Advocates)



ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is holding the substantive post of Superintending Engineer (SE) in the North Delhi Municipal Corporation (NDMC). Several SEs who were junior to him, were promoted on ad hoc basis to the post of Chief Engineer (CE). He filed OA No.1242/2019 complaining denial of ad hoc promotion to the post of CE. The OA was disposed of on 15.05.2019 directing that the respondents shall consider the case of the applicant for promotion to the post of CE on ad hoc basis duly following the seniority in the post of SE. It was also directed that in case any SE, who is junior to the applicant was promoted, similar benefits shall be extended to him. Reference was made to the order passed in detail in OA No.2589/2016.

2. This Contempt Case is filed alleging that the respondents did not implement the directions given in the OA.

3. On behalf of respondents, it is stated that in compliance with the direction issued in the OA, the case of the applicant was considered by the Departmental Screening Committee on 25.11.2019, and on finding that the applicant did not have the minimum seven years of standing either on regular or on ad hoc basis in the post of SE, he was declared 'unfit'. It is also stated that such of the SEs who have minimum seven



years of combined regular or ad hoc service at their credit, were found 'fit'.

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

5. It is not in dispute that the Recruitment Rules (RRs) for the post of CE stipulate seven years standing in the post of SE. The applicant does not have to his credit, seven years of service as on 25.11.2019. Therefore, it cannot be said that the respondents have committed any illegality in not promoting him on ad hoc basis. The Contempt Case is closed. At the same time, we observe that if any vacancy or need arises, the case of the applicant shall be considered for promotion as CE as soon as he completes seven years of standing in the grade of SE.

M.A. shall also stand disposed of.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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