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* IN THE HIGH COURT OF DELHI AT NEW DELHI

RSA NO. 1 OF 2007

Date of Decision : 06-08-2008

SUDHA DEVI SHARMA Appellant
Through Mr. J.S.Chauhan, Advocate

versus

THE PRINCIPAL RAMJAS COLLEGE & Respondent
Through Mr. S.K.Luthra, Advocate for
Respondents No. 1, 2 and 5.
Ms. Beena Shaw, Advocate with Mr. Arun
Mehta, Advocate for respondent No. 3
Mr. Vidhu Upadhyay, Advocate for R4.

CORAM:

HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether the judgment should be reported in the 'Digest'?

REKHA SHARMA, J. (ORAL)

The appellant herein filed a suit in the court of the Civil Judge seeking a decree of declaration that she be declared eligible for promotion to the post of Semi Professional Assistant with effect from January 21, 1994 and also a decree of perpetual injunction against defendants No. 1 to 3 restraining them from constituting the Departmental Promotion Committee for appointment to the post of Semi Professional Assistant in Library Department of Defendant No. 1 to any other person except the plaintiff/appellant.

Learned counsel for the respondent has referred to

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Certify that the digital and physical file have
been compared and the digital data is correct per
the physical file and no page is missing.

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Annexure 'C' on page 25 of the appeal paper book which is an office order dated September 2, 1994. The said office order reads as under:-

RAMJAS COLLEGE
UNIVERSITY ENCLAVE, DELHI - 110007
PHONE : 7257706

Ref. No.

Dated 2.09.94

OFFICE ORDER

Smt. Sudha Devi Sharma, Library Assistant is hereby designated as Semi Professional Assistant as approved by the University in the pay scale of Rs. 1400-2300 w.e.f. 14.01.1993 vide its letter No. CB-III/94/59586 dt. 22nd March, 1994.

Sd/-
(Dr. R.K. Bhardwaj)
Vice Principal

In view of the office order dated September 2, 1994, it is submitted by learned counsel for the respondent that the appellant/plaintiff is already working as Semi Professional Assistant w.e.f. January 14, 1993 and is also receiving the salary payable to Semi professional Assistant. Therefore, it is further submitted that there was no cause for the plaintiff/appellant to have filed the suit seeking the afore-mentioned reliefs.

As against this, it is submitted by learned counsel for the appellant/plaintiff that though she has been working as Semi Professional Assistant w.e.f. January 14, 1993, this designation was not given to her by a Departmental Promotion Committee but by a simplicitor 'office order'.

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Having heard learned counsel for the parties, I fail to understand how the appellant is aggrieved by her not having been given designation of 'Semi Professional Assistant' through the process of a Departmental Promotion Committee. In my view, it does not matter whether she has acquired the designation of 'Semi Professional Assistant' through an office order or through a Departmental Promotion Committee. It is not her case that she is facing any threat of reversion for the reason of her not having been selected to the post by a Departmental Promotion Committee. It is immaterial whether she is appointed to the post through an office order or through the process of a Departmental Promotion Committee approving her name. What is material is that she stands appointed to the post w.e.f. January 14, 1993. She is receiving the salary of that post and is continuing to hold the post. The appeal is misconceived. The same is dismissed.

AUGUST 06, 2008
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REKHA SHARMA, J.