

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6023/2005**

CHANDER PRAKASH Petitioner
Through Mr. Anil Mittal, Adv.
versus

DELHI TRANSPORT CORP. Respondent
Through Ms. Saroj Bidawah, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

O R D E R

% **23.04.2008**

1. The petitioner was charge sheeted and thereafter suffered punishment of stoppage of one increment with cumulative effect and adverse entry in the ACR. The said punishment was challenged in WP(C) No.2468/2003 which was disposed of on 22nd July 2004 upholding the punishment after recording concession on behalf of DTC that adverse entry in the ACRs and stoppage of one increment, had resulted in deferring the petitioner's case for consideration under Assured Career Promotion Scheme for one year and so as last three ACRs are to be considered. With regard to the promotion it was stated that the same is not a matter of right but the petitioner will be considered on the basis of ACR and service record.
2. In the counter affidavit filed by respondent/DTC it is conceded that petitioner was entitled to benefit of Assured Career Promotion Scheme w.e.f. 1.1.2005 and the said benefit has been granted to him. Thus this prayer made in the writ petition is satisfied and to this extent writ petition has become infructuous.
3. Learned counsel for the petitioner states that petitioner is also

entitled to be considered for promotion as ATI on 5.1.2005 and 20.1.2005 but he has not been considered through his juniors have been promoted. The petitioner can only claim right to be considered but has no vested right to be promoted. He can be promoted if he meets the eligibility criteria and is found fit to be promoted in terms of and as per the rules. The petitioner in paragraph 14 of the writ petition has specifically stated that the petitioner was not considered for promotion. There is no specific denial to the said averment made in paragraph 14 of the writ petition. In these circumstances, it is directed that the respondent/DTC will consider the claim of the petitioner for promotion as per the rules and if the petitioner is found eligible he will be entitled to promotion. It is also clarified that in case petitioner is entitled to promotion he will not get benefit under the Assured Career Promotion Scheme. However, in case the petitioner is not found eligible for promotion the benefit granted under the Assured Career Promotion Scheme will not be withdrawn.

The writ petition is accordingly disposed of.

SANJIV KHANNA,J

APRIL 23, 2008 (vld)

