

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

**Judgment delivered on: 17.10.2012**

**W.P.(C) 6423/2011**

**M. C. D.**

..... Petitioner

*versus*

**I.C.SHARMA**

..... Respondent

**Advocates who appeared in this case:**

For the Petitioner : Mr Gaurang Kanth.

For the Respondent : Ms Meenakshi Sharma.

**CORAM:**

**HON'BLE MR. JUSTICE BADAR DURREZ AHMED**

**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**

**J U D G M E N T**

**BADAR DURREZ AHMED, J (ORAL)**

**CM 4823/2012**

This application on behalf of the respondent for early hearing is allowed and the matter is being taken up today itself for hearing.

The application stands disposed of.

**WP(C) 6423/2011 & CM 12920/2011**

1. This writ petition is directed against the order dated 12.11.2010 in OA No.969/2010 passed by the Central Administrative Tribunal, Principal Bench, New Delhi.

2. The only question that arises for consideration is whether the respondent is to be considered for promotion to the post of Store Supervisor with the MCD. According to the learned counsel for the petitioner, the post of Store Supervisor has become redundant inasmuch as garbage disposal has been outsourced and, therefore, it would not be administratively expedient to fill up the post of Store Supervisor. The Tribunal has, in a short order, come to the conclusion that this is not a valid and justifiable reason for not filling up the post of Store Supervisors and, consequently, has directed the petitioner to consider the claim of the respondent along with others for promotion as Store Supervisor within a period of three months.

3. Before us the learned counsel for the petitioner reiterated the submissions which were made before the Tribunal that it would not be administratively expedient to fill the post of Store Supervisors inasmuch as those posts have become redundant. We were informed by the learned counsel for the petitioner that there were two sanctioned posts of Store Supervisors and 16 sanctioned posts of Store Keeper. At present there is no incumbent for the posts of Store Supervisors and there are only three persons working as Store Keepers. The learned counsel for the petitioner was unable to give us a proper answer as to why the post of Store Supervisor was kept

vacant when the same had been sanctioned and had not been abolished. As noticed in the impugned order, consideration for promotion is a fundamental right guaranteed to a government servant under Article 16 of the Constitution. It is not just the financial benefits that a government servant may be looking for but also the designation and the promotion to the next higher post. In the present case, the learned counsel for the petitioner submitted that the first ACP has been given to the respondent. But that, in our view, is not enough. Promotion carries with it other facets such as designation etc. Consequently, we are of the view that the Tribunal's decision ought not to be interfered with and that the respondent be considered for promotion to the post of Store Supervisor in accordance with the applicable rules. The said consideration be completed within two months.

4. The writ petition is dismissed with the aforesaid directions. The pending application also stands disposed of.

**BADAR DURREZ AHMED, J**

**SIDDHARTH MRIDUL, J**

**OCTOBER 17, 2012**

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