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

CNR No. DLHC010256592026

+ **W.P.(C) 7956/2026 & CM APPL. 38254/2026**

HANSRAJ SOLANKI

.....Petitioner

Through:

versus

DELHI POWER COMPANY LIMITED DPCL AND ORS

.....Respondents

Through: Mr. Sushil Kumar Singh, Advocate
for R-1.

Mr. Sandeep Prabhakar, Senior
Advocate with Mr. Anupam Varma,
Mr. Nikhil Sharma, Ms. Shivali
Rawat and Ms. S. Akshata, Advocates
for R-2, 3, 4 and 8.

Mr. Rajshekhar Rao, Senior Advocate
with Mr. Anupam Varma, Mr. Nikhil
Sharma, Ms. Shivali Rawat and Ms.
S. Akshata, Advocates for R-5, 6 and
7.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **31.08.2026**

[This case is being taken up today as 27th August, 2026 was declared a holiday vide Notification No. 85/G-4/Genl.-I/DHC dated 21st August, 2026]

1. The present petition has been filed by the Petitioner challenging the appointment/promotion of Respondent No. 8, Mr. Dinesh Chand Joshi, to



the post of Assistant Vice President in BSES Rajdhani Power Limited¹ and BSES Yamuna Power Limited². The Petitioner alleges that Respondent No. 8 was directly promoted/appointed to the said post without having held the post of Senior Deputy General Manager and that the post was not advertised or made available to eligible candidates. The Petitioner further alleges that such appointment/promotion is contrary to the applicable Rules and Regulations and the order dated 29th June, 2018 passed by the Delhi Electricity Regulatory Commission³ in Petition No. 14/2009. The Petitioner thus seeks a direction to the Respondents to promote him to the post of Assistant Vice President in accordance with the applicable rules. In the alternative, he seeks a direction for advertisement of the said post.

2. The case proceeds substantially on the premise that the Petitioner is senior to Respondent No. 8 because he was regularised earlier in service. The premise is misconceived. The two employees are not shown to belong to the same cadre or even to the same promotional stream. Respondent No. 8 figures in the seniority list of the Private Secretary/Stenographic cadre. The Petitioner, on the other hand, is presently in the Accounts/Finance cadre. His service record shows that, having initially served in the clerical cadre, he opted for a change of cadre to Accounts/Finance in 2014.

3. Seniority cannot be claimed in the abstract across different cadres. It has relevance within the cadre or service in which promotion is to be considered, unless the governing rules provide otherwise. No rule has been shown which places the Petitioner and Respondent No. 8 in a common seniority or provides a common promotional channel for them. The

¹ “BRPL”

² “BYPL”



Petitioner's reliance merely upon their respective dates of regularisation, therefore, does not advance his case.

4. The promotional trajectory placed by the counsel for the Respondents before the Court makes the position clearer. The Petitioner is presently Senior Assistant Finance Officer (Non-Functional). His next promotional avenue is DGM (Finance) (Functional), followed by Sr. DGM (Finance) (Non-Functional), and thereafter Assistant Vice President (Finance) (Functional). Even if one assumes, entirely in his favour, that he is promoted to each successive post on the very first date on which the prescribed qualifying service is completed, he would become eligible for consideration for Assistant Vice President (Finance) only on 1st June, 2035. He is due to superannuate on 31st July, 2034. His prayer for a direction for promotion to the post of Assistant Vice President, therefore, cannot be granted even on the basis of the promotional hierarchy applicable to his own cadre.

5. That, however, still leaves the challenge to the appointment of Respondent No. 8. Here too, the petition lacks the necessary foundation. The appointment/promotion order of Respondent No. 8 has not been placed before the Court. More importantly, no Recruitment and Promotion Rule governing the said post has been produced to show either that Respondent No. 8 was ineligible or that the post was required to be filled by open advertisement. A third-party appointment cannot be set aside merely on the assertion that the incumbent was junior to the Petitioner or that the post ought to have been advertised.

6. The reliance placed upon the order dated 29th June, 2018, passed by the DERC is also misplaced. That proceeding concerned the separation of

³ "DERC"



the corporate offices and employees common to BRPL and BYPL. The Commission recorded that separation had taken place to the extent possible and imposed a penalty in respect of the earlier period of non-compliance. The said order neither concerns the appointment of Respondent No. 8 nor prescribes the manner in which the post held by him is to be filled.

7. Nor does the Tripartite Agreement carry the matter any further. It protects the service conditions of employees transferred upon restructuring and contemplates that matters such as promotion would continue to be regulated by the applicable service rules. It does not create a common seniority across distinct cadres or confer upon the Petitioner a right to be considered for a post outside his prescribed promotional channel.

8. The Petitioner has, therefore, established neither a right to the promotion claimed by him nor any illegality in the appointment of Respondent No. 8 which can be examined on the material placed before the Court. The alternative prayer for a direction to advertise the post is equally unsupported by any rule.

9. The writ petition is accordingly dismissed. Pending applications, if any, stand disposed of.

SANJEEV NARULA, J

AUGUST 31, 2026/hc