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

+ W.P.(C) 6992/2015

% *Judgment dated 12th August, 2015*

RAMESH CHAND SAIROLLIA Petitioner

Through : Mr.U. Srivastava, Adv.

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Through : Mr.Anuj Aggarwal, ASC. for respondent
no.1.

Mr.Rajshekhar Rao and Mr.Varun
Mishra, Advs. for respondent no.2.

Mr.Saurabh Chadda, Adv. for respondent
no.3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present writ petition has been filed by the petitioner under Articles 226/227 of the Constitution of India with a prayer to produce the relevant records, set aside the impugned order dated 1.9.2014 and direct the respondents to consider his case for promotion to the post of Administrative Officer with all consequential benefits.
2. As per the petition, the petitioner was appointed as a Peon on 9.9.1977. On 10.4.1978 he was promoted as a Clerk and thereafter in the month of October, 2010, he was promoted as a Superintendent. In the year 2011, a list was prepared with respect to ten graduate Superintendents, who were

in the zone of consideration for appointment to the post of Administrative Officer. This list included the name of the petitioner. However, while processing the case of the petitioner herein, it was noticed that there was one complaint pending against the petitioner in the Court of learned Additional Sessions Judge, Karkardooma Courts, Delhi. In the year 2012, the petitioner made a representation to the respondents for being considered for promotion to the Post of Administrative Officer. The petitioner in the meanwhile superannuated on 29.2.2012. In the month of August, 2012, the petitioner was informed that the departmental enquiry against him stands closed. On 29.8.2012 District and Sessions Judge was informed that three persons have been appointed for the posts of Administrative Officer, out of the list containing the names of ten senior most Graduate Superintendents, falling in the zone of consideration. Vide another communication dated 5.3.2013 the District and Sessions Judge (HQs) was informed that three more persons have also been appointed to the post of Administrative Officer, out of the list containing names of ten senior most Graduate Superintendents, who were in the zone of consideration. In both the lists, the name of the petitioner was not considered. Thereafter the petitioner sought information under Right to Information Act as to how many times his name was sent for consideration and the result thereof. The petitioner was informed that vide letter dated 19.9.2011 eight names of the senior most Graduate Superintendents have been forwarded to the High Court for appointment to the post of Administrative Officer and the name of the petitioner herein was mentioned at Sl.No.8. The petitioner was also informed that vide letter dated 12.10.2011, names of ten senior most Graduate Superintendents were forwarded to the High Court for appointment and his name was mentioned at Sl.No.8 in the said list. It was also informed

that since the appointing authority for the post of Administrative Officer is High Court, the petitioner may seek the result with reasons from the High Court. A copy of the information obtained under Right to Information Act has been placed on record. On 30.6.2014, the petitioner submitted a detailed representation to be considered for the post of Administrative Officer with all consequential benefits, however, the said representation was rejected on 19.8.2014 and the order of rejection was also conveyed to the petitioner on 1.9.2014.

3. The main grievance of the petitioner is that the respondents did not give any reasons for rejection of his claim. Even otherwise, the order of rejection of the representation also does not disclose any reasons.
4. Counsel for the respondents have entered appearance. It is submitted that the post of Administrative Officer was filled up on the basis of seniority.
5. Original record has been produced in Court. The matter was passed over once to enable the counsel for the petitioner to inspect the same. As per the record, the name of the petitioner finds at Serial No.8 whereas the first three persons have been appointed only on the basis of seniority.
6. Upon perusal of the record, learned counsel for the petitioner submits that no further orders are required to be passed in the present writ petition and the same may be disposed of.
7. Accordingly, present application stands disposed of in view of above.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 12, 2015 msr