

\$~Special Bench

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

+ W.P. (C) No. 3746/2016

MAHESH SINGH NIMESH AND OTHERS Petitioner
Through Mr. Rajeev Sharma, Advocate.

versus

P.K. GUPTA AND OTHERS Respondents
Through Ms. Biji Rajesh, Advocate for respondent
No. 1- NDMC.
Mr. Gaurav Ahlawat, Advocate for Mr. Naresh
Kaushik, Advocate for respondent No. 2-UPSC.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
14.09.2018

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CM No. 16881/2018

This is an application by respondent No.1, North Delhi Municipal Corporation for deletion of word “review” before the expression “DPC” from the statement of the counsel for the said respondent as recorded in paragraph 3 of the order dated 3rd May, 2016 and in the next sentence in the paragraph 3 of the order dated 3rd May, 2016. It is stated that the counsel had stated that DPC would be held in accordance with the seniority list dated 10th March, 2016. Accordingly, this DPC would consider the petitioner for promotion to the post of Executive Engineer (Civil).

Counsel for the non-applicant submits that a DPC was held in 2016 and the non-applicant has been granted promotion to the post of Executive

Engineer (Civil) from 2016. The non-applicant is agitating the issue that he is entitled to promotion with retrospective effect from 2007-08. He submits that DPC was held in 2008 for vacancies of 1997-98.

We take the statement made by the counsel for the respondent-North Delhi Municipal Corporation on record and would observe that the word “review” mentioned in paragraph 3 while recording her statement and the next sentence would be treated as deleted. We, however, clarify that deletion of word “review” would not in any way adversely affect the plea and contention raised by the non-applicant that he is entitled to promotion with effect from 2007-08. Nothing in this order would be construed as expression of opinion on the said controversy and issue. The petitioner is at liberty to agitate the issue of promotion with retrospective effect in accordance with law.

The application is disposed of.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

SEPTEMBER 14, 2018
NA/VKR