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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2728/2016

SUNIL KUMAR MEHRA

..... Petitioner

In person

Versus

CHIEF SECRETARY, GNCTD & ORS

..... Respondent

Through Mr. Anuj Aggarwal, ASC, GNCTD
with Shubhanshu Gupta, Advocate.

Mrs. Biji Rajesh, Advocate for NDMC.

Ms. Anuja Saxena, Advocate for R-4.

Mr. Kumar Rajesh Saxena, Standing Counsel,
EDMC, R-5.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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30.03.2016

We have heard the petitioner, who appears in person.

2. The impugned order disposing of OA No. 4427/2014 filed by the petitioner herein is dated 16th October, 2015. The grievance of the petitioner was that he should be appointed as the Chief Town Planner, North Delhi Municipal Corporation with simultaneous charge as the Chief Town Planner, South Delhi Municipal Corporation and East Delhi Municipal Corporation as he is the only Chief Town Planner in the combined cadre of the erstwhile Municipal Corporation of Delhi.
3. On the basis of selection made by the Departmental Selection Committee, Shamsheer Singh was appointed as Chief Town Planner,

South Delhi Municipal Corporation with additional charge over the North Delhi Municipal Corporation and East Delhi Municipal Corporation. This additional charge was given in view of the trifurcation of the Municipal Corporation of Delhi into three distinct Corporations i.e. South Delhi Municipal Corporation, North Delhi Municipal Corporation and East Delhi Municipal Corporation.

4. The petitioner accepts that the criminal proceedings against Shamsher Singh had come to an end with an order of exoneration and, thereafter, the sealed cover was opened. Thus, challenge to the opening of the sealed envelope would fail and has to be rejected. Comparative merit, we hold, cannot be examined by this Court as an appellate forum.

5. Shamsher Singh had retired on 30th November, 2015.

6. Further, the petitioner accepts that presently he is working as the Chief Town Planner, East Delhi Municipal Corporation.

7. In view of the aforesaid factual position, the present writ petition is infructuous and is of academic interest.

8. We notice that the petitioner himself had earlier approached the Tribunal by way of OA No.2839/2012, which was disposed of with other OAs by a common order dated 26th August, 2013, directing that a meeting of the Departmental Screening Committee should be

conducted to make regular promotions to the three posts of Chief Town Planner i.e. one each in the three Municipal Corporations. Directions in this regard were issued to the respondents to give due regard to the Recruitment Rules for the three posts of Chief Town Planner while making regular promotion to the same in the trifurcated Corporation.

9. Thus, the claim of the petitioner that he should be given acting charge in North Delhi Municipal Corporation as well, seems to be a little incongruous, and conflicts with the directions issued by the Tribunal on his OA.

10. In case appointment to the post of Chief Town Planner, North Delhi Municipal Corporation is being delayed, or if another person has been appointed and given officiating charge as the Chief Town Planner, North Delhi Municipal Corporation, it will be open to the petitioner to challenge and question the said action or inaction of the respondents in accordance with the law.

With the aforesaid observations, the writ petition is dismissed.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

MARCH 30, 2016/NA