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

+ **W.P.(C) 3033/2016**

COL. N.J. SINGH (RETD.) Petitioner

Through: Mr. S.Venkatesh with Mr. Anuj P. Agarwala
& Mr. Shashank Khurana, Advs.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Arun Bhardwaj, CGSC with
Mr. Mimansak Bhardwaj, Mr. Ashish Pandey &
Mr. Akash Vajpai, Advs.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **08.04.2016**

CM No.12788/2016(exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 3033/2016 & CM Nos.12789-790/2016

Having heard counsel for the petitioner, we do not see any reason to interfere with the impugned order dated 15.3.2016 passed by the Tribunal. It is an accepted position that even before the impugned order was pronounced by the Principal Bench of the Central Administrative Tribunal, a meeting of the Departmental Promotion Committee (DPC) was held and thereafter the petitioner was promoted as Analyst 'F' with effect from October, 2015.

2. The grievance of the petitioner is that he should have been

promoted pursuant to the earlier the DPC held on 7th July, 2011. There are several reasons, why we find that the said prayer should not be accepted. The petitioner had joined National Technical Research Organization at the initial formation/constitution stage, when the number of posts and Recruitment Rules had not been finalized. The Recruitment Rules came to be finalized on 14.11.2011. In fact, as per the Recruitment Rules, the petitioner was not eligible for promotion as Analyst 'F' as he did not possess the required qualifications. However, the respondents have promoted the petitioner under the Saving Clause in the Recruitment Rules.

3. It cannot be said that the petitioner has been treated unfairly or discriminated against. The petitioner had joined NTRO on contract basis as an officer on Special Duty (Liaison and Analysis). Subsequently, he was selected and appointed as a Director vide letter dated 3.3.2008. He has, as noticed above, after relaxation as a special case he was promoted as Analyst 'F' in October, 2015.

4. Promotion should not normally be granted with retrospective effect.

5. In view of the aforesaid, we do not find any merit in the present writ petition and the same is accordingly dismissed.

SANJIV KHANNA, J

NAJMI WAZIRI, J

APRIL 08, 2016/ak