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

+ W.P.(C) 9425/2016

KAMAL JEET SINGH LAMBA Petitioner
Through Ms. Rekha Palli, Sr. Advocate with
Mr. V.K. Gandhi, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS..Respondent
Through Mr. Nikhil Goel and Mr. Ashutosh
Ghade, Advocates for R-1 to 4.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% **06.10.2016**

We are not inclined to interfere with the impugned order dated 23rd August, 2016 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, in M.A. No.2386/2016, whereby the earlier interim order dated 12th February, 2016 granting status quo has been modified giving permission to Respondent No. 1-South Delhi Municipal Corporation to fill up the 10 vacant posts of Sanitation Superintendent on *ad hoc* basis, subject to the condition that one post will be kept vacant for the petitioner.

2. The aforesaid order is primarily based on the principle of

balance of convenience, for the Tribunal had noticed that as against the 12 sanctioned posts of Sanitation Superintendent, 11 were lying vacant and there was an urgent need to fill up the said posts in view of the present sanitation and hygiene situation in Delhi. We are aware that a large number of persons are affected and suffering from viral fever, Chikungunya, and Dengue. The impugned order, therefore, in our opinion, does not require interference.

3. The challenge made by the petitioner is to the seniority list. The petitioner claims that he is senior to respondent No.5 Rajinder Singh Kundu and respondent No.6 S.N. Vashistha, and the documents relied upon by respondents No.5 and 6 claiming seniority are forged. We do not think this claim of the petitioner would justify interference with, and setting aside of the impugned order in view of the present situation in Delhi.

4. During the course of hearing, learned counsel for the petitioner has stated that in view of the impugned order, the petitioner may not be considered for *ad hoc* promotion, though he has been holding the "look after charge". We do not think that the impugned order, in any way, bars the petitioner or states that he would not be considered for

promotion if otherwise found eligible and within the zone of consideration as per the seniority list which is under challenge.

5. Another grievance made by the petitioner is that the respondents are deliberately not filing a reply to the Original Application. We hope and trust that the respondents are aware and conscious of the directions of the Tribunal, and would file their reply within the time granted. In case, the reply is not filed within the time as stipulated, it will be open to the petitioner to press for closure of the respondents' right to file a reply. It has been brought to our notice that the matter is listed before the Tribunal on 2nd November, 2016.

6. With the aforesaid observations, the writ petition is dismissed.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

OCTOBER 06, 2016
NA