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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **WRIT PETITION (CIVIL) No. 11669/2016**

Date of decision: 14th December, 2016

HARIHAR PRASAD DAS

..... Petitioner

In person.

versus

CHAIRMAN, CENTRAL POLLUTION CONTROL BOARD &
ANR. Respondents

Through Mr. Sanjeev Sabharwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE JAYANT NATH

SANJIV KHANNA, J. (ORAL):

C.M. No. 45966/2016

Exemption allowed, subject to all just exceptions.

W. P.(CIVIL) No. 11669/2016

We have heard Harihar Prasad Das, the petitioner, who appears in person.

2. The petitioner was appointed as an Assistant Law Officer on 2nd December, 1987 and promoted as Law Officer on 20th December, 1995.

3. The petitioner, had retired from service on 30th April, 2013 from the post of Senior Law Officer, to which post he was promoted on 11th June, 2012.

4. The petitioner had filed OA No. 1493/2015 for direction to the respondents to promote him as Senior Law Officer with effect from 13th February, 2008.

5. One Ishwar Singh was promoted and was serving as Senior Law Officer till he retired from service on 31st October, 2011. The said Ishwar Singh, who was serving as a Law Officer, was designated and treated as Additional Director (Law) vide order dated 13th February, 2008.

6. The petitioner's claim for promotion or rather consideration for promotion to the post of Senior Law Officer with effect from 13th February, 2008 is predicated on Ishwar Singh's "promotion" and appointment as Additional Director (Law) after the office order dated 13th February, 2008.

7. The Tribunal in the impugned order has considered the contention of the petitioner and has rejected the same observing that under the Water (Prevention and Control Board) Rules, 1975, the post of Additional Director (Law) did not exist and was not a post in the hierarchy. The post of Senior Law Officer was solitary or a single post. The respondents had upgraded and treated the post of Senior Law Officer, as Additional Director (Law). In other words, the single post of Senior Law Officer was treated and upgraded as Additional Director (Law). The Tribunal has deprecated and made observations on the upgradation or treatment of the post of Senior Law Officer as Additional Director (Law). In fact, the petitioner,

who appears in person, states that the aforesaid exercise was wrong and contrary to the rules. To this extent, the petitioner supports the order of the Tribunal.

8. We have considered the case of the petitioner from all angles, but do not find any merit in the contention, for obvious and apparent reasons. There was only one post of Senior Law Officer, which was occupied by Ishwar Singh till he retired on 31st October, 2011. Thereafter, the petitioner was promoted to the said post and had worked till he retired on 30th April, 2013. In case, we hold that the post of Additional Director (Law) was wrongly “created” and said designation should not have been granted, the petitioner would not be entitled to promotion as Senior Law Officer till Ishwar Singh had demitted office on 31st October, 2011. In case, we hold that the post of Senior Law Officer was re-designated and upgraded as Additional Director (Law), then again the petitioner would not be entitled to the benefit, for there was no existing vacant post of Senior Law Officer, till retirement of Ishwar Singh on 31st October, 2011.

9. In view of the aforesaid, the writ petition is dismissed.

SANJIV KHANNA, J.

JAYANT NATH, J.

DECEMBER, 14 2016 NA