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

+ **CONT.CAS(C) 11/2016, CM APPL.501/2016**

ARUN KUMAR MAURYA Petitioner
versus
HANSMUKH ADHIA & ORS Respondents

CM APPL.6687-6689, 6747-6749/2015 IN W.P. (C) 4396/2008

BHUWAN RAM & ANR. Petitioners
versus
UOI & ORS. Respondents

Appearance: Mr. Vijay Chandra Jha, proxy for Mr. Jayendra, Advocate for petitioners.

Mr. Hari Om Yadhuvanshi with Mr. Anil Kumar and Dr. Monika Gosain, Advocates for petitioners in item no.8.

Mr. A.S. Singh, proxy for Mr. R.V. Sinha, Advocate for respondent nos.1-3 in item no.8.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

% **12.08.2016**

The applicants/petitioners seek orders for implementation of this Court's judgment dated 18.12.2014 allowing the writ petition W.P.(C) 4396/2008. By that judgment, the Court had rejected another writ petition filed by the promotees. The Court had held that the petitioners' contentions with respect to seniority on the basis of the quota and their right to be treated as direct recruits, for the post of Assistant Chemical Examiner had to be reckoned with from the date of the vacancies in view of the judgment of the Supreme Court in *Union of India & Ors. v. N.R. Parmar & Ors.*, JT 2012 (12) SC 99. By a subsequent order of 13.3.2015, the Court had

clarified that *“in case of any change in the seniority list, consequential review of promotions made to the higher post (depending on whether they are seniority or merit based and having regard to the quotas prescribed for different streams) may entail consideration and some due process.”*

The respondents informed the Court that on 27.07.2016, the judgment had been implemented and as a consequence Office Order No.4/2016 has been issued whereby revised seniority of the incumbents in the cadre of Assistant Chemical Examiner has been worked out on the basis of which revised dates of promotion to the post of Chemical Examiner Gr.II have been notified. A copy of the said Office Order has been produced; the same is hereby taken on the record. The Office Order also notes that review DPC for 12 years from 2002-03 to 2013-14 has been conducted.

In view of the above development, no further directions are called for except to say that consequential promotions in the event of the petitioners being found eligible in accordance with rules shall also be considered in accordance with law. The respondents shall look into the matter and carry out appropriate review within three months from today.

CONT.CAS(C) 11/2016, CM APPL.501/2016 and CM APPL.6687-6689, 6747-6749/2015 IN W.P. (C) 4396/2008 are disposed of in the above terms.

S. RAVINDRA BHAT, J

VIPIN SANGHI, J

AUGUST 12, 2016

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