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

+ W.P.(C) 165/2017 & CM No.772/2017

UCO BANK

..... Petitioner

Through: Mr.Kirti Uppal, Sr.Advocate with
Mr.Sarfaraz Khan, Mr.Amanullah and
Mr.Pranvir Sethi, Advocates

versus

NATIONAL COMMISSION FOR
SCHEDULED TRIBES AND ANR

..... Respondents

Through: Mr.R.M.Sinha, Advocate and Mr.Prateek
M.Sinha, Advocate for R-1
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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29.11.2017

Vide impugned communication of 17th June, 2016 (*Annexure P-1*) respondent-*National Commission for Scheduled Tribes* has recommended the case of second respondent for being promoted to next grade of Scale-V with effect from 16th April, 2011 with all consequential benefits. Petitioner-bank is aggrieved by the impugned communication (*Annexure P-1*) as according to petitioner, first respondent has no jurisdiction to issue recommendation to petitioner which infact is in a form of a direction.

Second respondent who appears in person submits that though impugned communication (*Annexure P-1*) is a recommendation but

petitioner must consider the case of second respondent in light of the recommendation (*Annexure P-1*).

Learned senior counsel for petitioner submits that without prejudice to rights of either side, the case of second respondent would be considered in light of the recommendation (*Annexure P-1*), though petitioner is not bound to do so provided second respondent makes a concise representation to petitioner.

Respondent No.2 submits that a concise representation would be made to petitioner-bank within 4 weeks. If it is so done, then petitioner-bank shall consider the representation of respondent No.2 within 8 weeks by independently examining the case of respondent No.2 for next grade promotion to Scale-V with retrospective effect as per the applicable rules and regulations and the fate of the representation be made known to second respondent within 2 weeks thereafter so that remedies as available in law may be availed of by second respondent, if need be.

This petition is disposed of with a clarification that the impugned communication is not in a form of an order but a recommendation which ought to be considered by petitioner though the petitioner is not legally bound to do so.

Copy of this order be given dasti to counsel for both sides.

SUNIL GAUR, J.

NOVEMBER 29, 2017

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