

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

+ **W.P.(C) No. 5480/2002**

% **7th March, 2017**

VANDANA VARMA Petitioner

Through: Ms. Sharda Sharma, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Ajay Kumar Jha, Advocate for
R-2.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

**W.P.(C) No. 5480/2002 and C.M. Appl. No. 8172/2016 (for placing on
record certain facts, moved on behalf of the petitioner)**

1. In this writ petition two prayers were made by the petitioner,
and which read as under:-

“i) Issue necessary order/direction thereby directing the respondents to consider the promotion of the petitioner on ad hoc/regular basis in the post of Stenographer Grade “B”.

ii) Issue / pass orders thereby directing the respondents not to conduct any Review DPC to re fix the seniority in favour and ineligible employee namely Smt. Asha, by inducting her in the post of Stenographer Grade “B” and depriving the rightful claim of the petitioner to the said post and alternatively struck down and quash the order of promotion granted illegally and arbitrarily to Smt. Asha in the grade of Stenographer Grade “C”.”

2. Employer/respondent no. 2/Oil Industry Development Board has filed an additional affidavit on 16.3.2016 which shows that petitioner has got appointment as Stenographer Grade B on regular basis with effect from 9.3.2011. Once that is so, prayer (i) would stand satisfied because petitioner has been considered and in fact granted promotion as Stenograph Grade B with effect from 9.3.2011. If the petitioner claims, and as argued before this Court, that petitioner should have been granted promotion to Stenographer Grade B from an earlier date and not only from 9.3.2011, then, that is a separate and subsequent cause of action which is not admittedly within the scope of the present writ petition. A subsequent event and a fresh cause of action cannot be decided by this Court in this writ petition, and if the petitioner has any grievance which is not within the scope of this writ petition, then the petitioner is entitled to file appropriate independent proceedings, in accordance with law, to claim promotion from retrospective date before 9.3.2011. Obviously, in any such fresh petition which is filed, the respondent no. 2/employer will be entitled to take all defences as available to respondent no. 2/employer on facts and law, and which aspects would be considered in the independent proceedings which would be filed by the petitioner for claiming promotion from retrospective date before 9.3.2011.

3. So far as the prayer (ii) is concerned of not conducting a review Departmental Promotion Committee (DPC) qua the respondent no. 3, it is seen that review DPC has already been conducted and respondent no. 3 was also granted promotion with effect from 9.3.2011. Respondent no. 3 was also granted promotion to the post of Stenographer Grade C with effect from 16.12.1997 vide review DPC dated 2.9.2002. Petitioner has not challenged the decision of the review DPC dated 2.9.2002 in this writ petition because this writ petition in fact came up for the first time for hearing in this Court on 2.9.2002. Accordingly, challenge to a review DPC in favour of the respondent no. 3 will also be an independent cause of action, and in this writ petition the only prayer was with respect to not conducting of a review DPC as regards respondent no. 3, but which has already been conducted, and accordingly, the writ petition is also infructuous so far as the second prayer is concerned.

4. In view of the above discussion, this writ petition is disposed of as infructuous with liberty granted to the petitioner, in accordance with law, to claim her entitlement of Stenographer Grade B from a date prior to 9.3.2011, and whenever such case or writ petition is filed the same will be considered in accordance with law and this Court makes no observation one way or the other for and against any of the parties with respect to the aspects

and issues which would be the subject matter of the independent proceedings to be filed by the petitioner.

5. The writ petition and the pending application are accordingly disposed of.

MARCH 07, 2017

VALMIKI J. MEHTA, J

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