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

+ W.P.(C) 5586/2014 and CM No. 13827/2014 (Stay)

DELHI JAL BOARD Petitioner
Through Mr. Saiyad Uruj Abba, Advocate

versus

USHA CHAUDHARY & ANR. Respondents
Through Mr. Rajesh Tyagi, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **08.03.2017**

We have examined the original records produced before us and perused the office notings in the departmental files. Pursuant to the limited departmental competitive examination for the post of the Junior Accountant held on 26.08.1996, a list of 62 successful candidates was prepared. Vacancies were filled and appointments made in the order of merit.

2. By the office order dated 5.5.2000, the remaining panel of 31 candidates who had not been appointed was scrapped. It was decided that a fresh examination would be held.

3. Usha Chaudhary and Bhram Parkash who are the respondents before us, had filed Civil Writ Petition No. 2660/2000 challenging the scrapping of the remaining list. This writ petition was transferred to the Central Administrative Tribunal and registered as TA No.

522/2009. During the pendency of T.A.No.522/2009, the matter was internally re-examined by the Delhi Jal Board, as a Department of the Government of NCT of Delhi. Prior to 1998 the Delhi Jal Board was a part of Delhi Municipal Corporation and was known as the Delhi Water Supply and Sewage Disposal Undertaking.

4. Vide a detailed note dated 13.09.2000, the Delhi Jal Board, on the ground of pragmatic and practical view, decided to promote the officers from the earlier scrapped list as Junior Accountants. Eleven (11) persons as per seniority were promoted in April, 2000. The respondent No.1 and 2 were not promoted as they were not in the first eleven as per the merit list.

5. There were five (5) vacancies for Scheduled Tribe candidates and there were no available candidates in the said category. By our order dated 22.11.2016, we asked Delhi Jal Board to file an affidavit whether the respondents were entitled to and could have been promoted against these five vacancies. Additional affidavit dated 15.12.2016 has been filed on behalf of the Delhi Jal Board stating that the five posts reserved for Schedule Tribes candidates were not de-reserved on or before the circular dated 05.05.2000 and 17.09.2001, when the respondents were actually promoted.

6. This being the position, the respondents cannot claim promotion with reference to these vacancies which were reserved for Schedule Tribes candidates.

7. At this stage, learned counsel for the respondents submits that he is satisfied with the date of promotion of the respondents and he has also obtained instructions from the respondents on the said aspect.

We take the said statement on record and accordingly, we dispose of the writ petition as well as the pending application.

Original records are returned.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 08, 2017

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