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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 16/2017

VINAY KUMAR JAISWAL

..... Petitioner

Through: Mr. Setu Niket and Ms. Esha
Mazumdar, Advocates.

versus

DELHI TRANSCO LTD AND ORS

..... Respondents

Through: Ms. Avnish Ahlawat, Advocate for
R-1.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **03.01.2017**

**W.P.(C) 16/2017 and C.M. Appl. No. 129/2017 (for stay) &
130/2017 (for exemption)**

1. Petitioner effectively seeks the relief of promotion from Manager (Technical) to Deputy General Manager (Technical), however, in the writ petition it is not found that any rule has been stated with respect to the eligibility criteria for being fulfilled for promotion to the post of Deputy General Manager (Technical), and only on satisfying which, the petitioner may be entitled to promotion. The above aspect has to be considered with the fact that whether the post of Deputy General Manager (Technical) is an automatic promotion post or a selection post and in the latter case petitioner will

W.P.(C) 16/2017

page 1 of 2

not be entitled to automatic promotion if people who are better than him, whether in terms of ACRs or other criteria for performance, have a better record than petitioner.

2. The petitioner, in the present writ petition, also questions his ACRs of the years 2000-01 to 2004-05 and that the petitioner has only been marked as 'good', but, there is no averment in the writ petition as to when the petitioner came to know of his ACRs for the years 2000-01 to 2004-05, inasmuch as, it is only within the period permissible in law that an action can be taken vide ***State of Orissa Vs. Mamta Mohanty, (2011) 3 SCC 436.***

3. At this stage, counsel for the petitioner states that the writ petition be allowed to be withdrawn with liberty to the petitioner to file a fresh writ petition which would state the relevant rule with respect to eligibility criteria for promotion from the post of Manager (Technical) to Deputy General Manager (Technical), how the petitioner satisfies the criteria, how others whose promotion have been challenged had an equal or lesser criteria than the petitioner, etc. etc. Also, petitioner in the fresh writ petition would necessarily state the specific date, month and year when the petitioner came to know of his grades for the years 2000-01 to 2004-05, inasmuch as, in the present writ petition there is no specific averment in this regard.

4. The writ petition is accordingly allowed to be withdrawn with the aforesaid liberty.

VALMIKI J. MEHTA, J

JANUARY 03, 2017/JK
W.P.(C) 16/2017

page 2 of 2