

\$~30

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9192/2017, CM No. 37614/2017**
SUNIL KUMAR JOHAR

..... Petitioner

Through: Mr. Raj Kishore Chaudhary, Adv.
with Mr. Shakeel Ahmed, Adv.

versus

NTPC LTD. ANR

..... Respondent

Through: Mr. Bharat Sangal, Adv. with Ms.
Vernika Tomar & Ms. Vidushi Garg,
Adv. for R-1

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **17.10.2017**

CM No. 37614/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 9192/2017

1. It is the case of the petitioner that he joined NTPC as Senior Engineer (Electronic Data Processing), in the year 2006. He was promoted to the post of Additional General Manager. It is his case that he was entitled to be promoted as General Manager in the year 2008. There is no dispute that the petitioner got promotion to the post of General Manager on September 28,

2012. The petitioner retired on December 31, 2012.

2. The learned counsel for the petitioner submits that the petitioner has been wrongly denied the promotion to the post of General Manager in the year 2008 despite the fact that the Reporting Officer as well as Reviewing Officer have awarded 93.84% marks in his Annual Performance Review. He states, that this information could be received by him only through the process of RTI/VIP reference. According to him, the ground on which the petitioner had been denied the promotion to the post of GM is that in terms of DPE guidelines, the appraisal to the post of GM and above has to be normalised and in this process the petitioner was awarded score of 4.54, which is not tenable.

3. Having seen the facts, as averred in the writ petition, it is clear that in substance, the challenge is to promotion, which the petitioner would have got in the year 2009. There is also no dispute that the petitioner has retired in the interregnum. The first RTI application was filed by the petitioner only in the year 2014. Nothing precluded the petitioner, if he was aggrieved against his non promotion in the year 2009 to approach the Court and seek appropriate relief.

4. That apart, merely because the petitioner got information in the year

2015-2016 would not give a cause of action to the petitioner to challenge his non promotion w.e.f 2009, in the year 2017. The explanation given is not reasonable to entertain the writ petition. The petition is clearly hit by delay and laches.

5. I do not see any merit in the petition. The same is dismissed.

V. KAMESWAR RAO, J

OCTOBER 17, 2017/ak