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

+ W.P.(C) 7687/2017

R M KULSHRESHTHA Petitioner
Through: Mr. Padma Kumar S, Adv.

versus

CHAIRMAN & MANAGING DIRECTOR NTPC LTD
AND ANR Respondents
Through:

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

ORDER
% **01.09.2017**

The present petition has been filed by the petitioner with the following prayers:

- “(i) *Issue a writ of certiorari or any other writ or order or direction against the inaction on the part of the respondents in considering the case of the petitioner for promotion along with his batchmates after exoneration of the petitioner from the chargememo vide order dated 2.4.2014.*
- (ii) *Direct the respondents to consider the representations of the petitioner and either upgrade the Reports at par with the previous years or ignore the reports and consider same number of previous years Reports and consider the petitioner for E-2 position along with his Juniors in a Review DPC for consideration of the case of the Petitioner along with his juniors.*

- (iii) *Direct the Respondents to grant the Petitioner the consequential benefits of the review of DPCs.*
- (iv) *Any other relief which this Hon'ble High Court may be pleased to grant under the facts and circumstances of the case."*

It is noted from the writ petition that at the relevant point of time, the petitioner was working as Executive Secretary in the grade of E-1. That officers junior to him were promoted to the Grade of E-2 in the year 2011. On August 18, 2012, a chargesheet was issued to the petitioner which resulted in his exoneration in the year 2014. It is conceded by the learned counsel for the petitioner that the petitioner stood promoted to E-2 Grade w.e.f January 1, 2014. It is his submission that pursuant thereto, the petitioner made representations for antedating his promotion from the year 2011. The same have not been replied to. He states that there is no reason for the respondents to deny promotion to the petitioner along with his juniors in the year 2011.

The aforesaid would reveal that the cause of action for the petitioner to seek promotion is the date when his immediate juniors were promoted, which admittedly is in the year 2011. There is no explanation for the delay caused in approaching this Court in the year 2017. That apart, the petitioner

got promotion to E-2 Grade in the year 2014, which is three years back.

The present petition has been filed on August 29, 2017. The plea of the learned counsel for petitioner that he has been representing to the respondents would not justify the delay. I am informed, the juniors have further been promoted to E-3 Grade. That apart, petitioner has since retired. If that be so, the present petition is without any merit and is dismissed.

V. KAMESWAR RAO, J

SEPTEMBER 01, 2017/jg