

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

Date of Order: December 13, 2017

+ **W.P.(C) 11050/2017 & C.M.45124/2017**

MANISH GUPTA Petitioners
Through: Ms. Preeti Singh, Ms. Swati Jindal
and Mr. Abhay Kumar, Advocates

versus

UTI INFRASTRUCTURE TECHNOLOGY AND SERVICES
LIMITED AND ANR. Respondents
Through: Ms. Eshita Baruah, Advocate for
Mr. Gaurang Kanth, CGSC for respondent-UOI

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner claims to be a Divisional Manager of first respondent since June, 2012 and his grievance is that his case for promotion to the post of Assistant Vice President stands negated by first respondent vide order of 7th October, 2016 (*Annexure P-4*), whose review was sought by petitioner in October, 2017 and vide Communication of 26th October, 2016 (*Annexure P-5 colly.*), first respondent informed petitioner that the promotions have been made on 7th October, 2016 after taking into consideration the service, performance appraisal ratings and the marks secured in the interview. As per Communication of 9th June, 2017 (*Annexure P-11*) of first respondent, petitioner's Representation against

promotion order of 7th October, 2016, was dismissed by simply observing that the procedure laid down for promotion has been followed.

2. It is the case of petitioner that against impugned Communication of 9th June, 2017 (*Annexure P-11*), petitioner had preferred a Representation vide Email of 17th July, 2017 (*Annexure P-13*), which, according to petitioner, has not been responded to till date. It is also the case of petitioner that a detailed Representation of 6th November, 2017 (*Annexure P-16*) against impugned Communication of 9th June, 2017 was made vide an Email to first respondent, but to no avail.

3. Learned counsel for petitioner points out that way back on 8th February, 2017, petitioner vide a Representation made through an Email (*Annexure P-8*) had sought from first respondent as to what was the criteria for promotion from Divisional Manager to Assistant Vice President and had sought certified copy of seniority list of Divisional Managers as petitioner claims to be the senior most Divisional Manager and so, petitioner is entitled for being promoted.

4. During the course of hearing, it was pointed out by petitioner's counsel that vide Email of 3rd February, 2017 (*Annexure P-7*), petitioner had also sought his Annual Performance Appraisal Reports (APARs), but it has not been supplied to petitioner.

5. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition in limini with permission to petitioner to make a concise Representation to first respondent within a week and if it is so done, first respondent shall decide it by passing a speaking order and would also intimate petitioner about his APARs, seniority list and the

criteria governing the promotion from the post of Divisional Manager to Assistant Vice President, within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

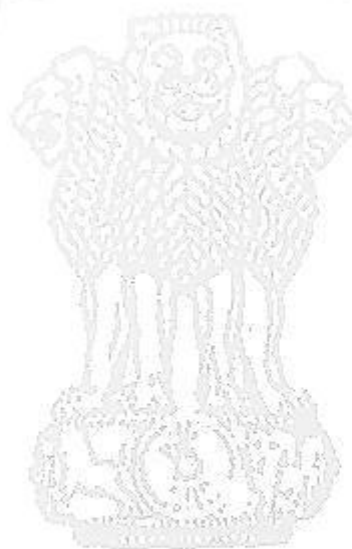
6. With aforesaid directions, this petition and the application are disposed of.

7. Copy of this order be given *dasti* to counsel for the parties.

(SUNIL GAUR)
JUDGE

DECEMBER 13, 2017

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