

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

Date of Order: April 11, 2018

+ **W.P.(C) 3570/2018 & C.Ms. 14092-93/2018**

RITU BAJAJ

..... Petitioner

Through: Mr. J.P. Sengh, Senior Advocate
with Mr. Sumit Rana, Ms. Manish Mehta & Ms.
Mrigna Shekhar, Advocates

Versus

DELHI STATE CIVIL SUPPLIES CORPORATION LTD.

..... Respondent

Through: Mr. Anil Bector & Mr. A.K. Jain,
Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner claims that she is officiating as Company Secretary in respondent-Corporation since May, 2015 and the post of Company Secretary advertised in July, 2017 is required to be filled up by promotion/deputation in the first instance and if no suitable candidate is found, then by direct recruitment. To submit so, reliance is placed upon respondent's Recruitment and Promotion Rules, 1989.
2. Learned senior counsel for petitioner has handed over a copy of RTI reply of July, 2017 of respondent obtained under *The Right to Information Act, 2005*, which reveals that amendment in the Recruitment Rules has not been made after 28th July, 1989 in relation to the post of Company Secretary.

3. On the contrary, learned counsel for respondent-Corporation submits that Recruitment Rules, as amended on 27th March, 2014, provide that 75% posts of Company Secretary are to be filled by direct recruitment and remaining 25% on promotion basis.

4. Upon hearing and on perusal of the material on record, I find that petitioner had made Representation (*Annexure P-9*) in June, 2017 and vide letter of 23rd November, 2017, petitioner had sought promotion to the post of Company Secretary by convening a Departmental Promotion Committee's meeting. Again on 6th April, 2018, petitioner by way of Representation had sought withdrawal of impugned Advertisement by which direct recruitment to the post of Company Secretary is being made.

5. At the hearing, learned senior counsel for petitioner had apprised this Court that the interviews in pursuance of impugned Advertisement (*Annexure P-7*) are slated for tomorrow i.e. 12th April, 2018.

6. Since there is a dispute about the contents of the Recruitment Rules, therefore, it is deemed appropriate to direct respondent to effectively consider petitioner's Representation of 27th June, 2017 (*Annexure P-9*), application of 23rd November, 2017 seeking promotion and latest Representation of 6th April, 2018 and pass a speaking order on the afore-referred Representations/Applications (*Annexure P-9*) within a period of four weeks from today and to intimate its fate to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be. It is made clear that till the fate of petitioner's Representations/Applications (*Annexure P-9*) is made known to her, the selection in pursuance of impugned Advertisement be not finalized.

7. With aforesaid directions, this petition and the applications are disposed of.

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

(SUNIL GAUR)
JUDGE

APRIL 11, 2018

r/s

