

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

Date of Order: May 25, 2018

+ **W.P.(C) 5716/2018 & CM 22181/2018**

DALIP KUMAR Petitioner

Through: Mr.Bheem Sain Jain, Advocate

versus

REGISTRAR, DEBTS RECOVERY TRIBUNAL-III NEW
DELHI AND ORS.Respondents

Through: Mr. P.C. Yadav and Mr. Jitender
Tripathi, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner's Representation of 28th February, 2018 (*Annexure P-7*) seeking promotion to the post of Recovery Inspector is declined vide impugned Office Memorandum of 17th April, 2018 (*Annexure P-8 colly.*) while observing as under:-

"In this regard, it is informed that DFS has conveyed to all DRTs/DRATs vide their reply dated 11.04.2018 (copy enclosed) that as per the instructions contained in DOP&T OM dated 24.03.2009, ten years qualifying service is required for promotion from Grade Pay of Rs.2400/- to Grade Pay of Rs.4200/-."

2. Learned counsel for petitioner submits that impugned O.M. of 17th April, 2018 (*Annexure P-8 colly.*) is contrary to Recruitment Rules

(Annexure P-1). Impugned O.M. refers to earlier DoPT's O.M. of 24th March, 2009 (Annexure P-9).

3. Despite service of advance notice, there is no representation on behalf of first respondent.

4. Upon hearing and on perusal of impugned O.M. of 17th April, 2018 (Annexure P-8 colly.) and the material on record, I find that impugned O.M. of 17th April, 2018 needs to be reconsidered in light of the Recruitment Rules (Annexure P-1). For an effective reconsideration of impugned O.M. of 17th April, 2018, let petitioner make a fresh detailed Representation against impugned O.M. of 17th April, 2018 to first respondent within a period of two weeks from today. If such a Representation is received by first respondent, then a speaking response thereto be given within a period of eight weeks and it be conveyed to petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

5. First respondent be apprised of this order forthwith, to ensure its compliance.

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

Copy of this order be given *dasti* to learned counsel for petitioner.

(SUNIL GAUR)
JUDGE

MAY 25, 2018

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