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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7235/2018 & C.M. Nos. 27539-540/2018
MOHD. SHAMIM KHAN AND ORS. Petitioners
Through: Mr. M.K. Bhardwaj, Advocate.

versus

NDMC THROUGH ITS CHAIRMAN AND ORS. Respondents
Through: Mr. Ajesh Luthra, Mr. Tarunveer Singh
and Ms. Sriparna Chatterjee, Advocates for
for R-1 & R-2.
Mr. Naresh Kaushik and Mr. Omung Gupta,
Advocates for R-3/UPSC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **16.07.2018**

Caveat Nos. 623-624/2018 (by the respondents No.1 & 2)

1. Appearance is entered on behalf of the respondents No. 1 & 2/caveators, who states that a complete set of the paper book has been served on him.
2. In view of the above, the caveats stand discharged.

W.P.(C) 7235/2018 & C.M. Nos. 27539-540/2018

1. The petitioners are aggrieved by the interim order dated 04.7.2018 passed by the Principal Bench, Central Administrative Tribunal, New Delhi disposing of a miscellaneous application filed by them (M.A. No. 3465/2017) praying *inter alia* that the respondents/NDMC be restrained from filling up the post of Chief Executive Engineer (Civil) by way of
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deputation in terms of the Circular dated 11.7.2017, till the disposal of the Original Application filed by them, wherein they have sought directions to the respondents/NDMC to treat the promotion of the petitioners to the post of Executive Engineer (Civil) as regular from the date of their *ad-hoc* promotion.

2. We may note when the petitioners had initially filed this petition before the Tribunal in August, 2016, they had not prayed for any interim relief. Subsequently, in the month of September, 2017 they had filed the captioned miscellaneous application, on which an interim order was passed by the Tribunal on 08.09.2017, directing the respondents/NDMC not to pass any final order pursuant to the vacancy Notice dated 11.7.2017, which order remained in operation till passing of the impugned order dated 04.7.2018.

3. In the impugned order, the Tribunal has observed that as per the Recruitment Rules, the post of Chief Engineer (Civil) can be filled up either by promotion, failing which by deputation and it was an undisputed position that none of the petitioners are holding the post of Superintendent Engineer on a regular basis as of now and did not meet the essential requirements for being eligible for being considered to the said post. Observing further that the post of Chief Engineer (Civil) is vital for carrying out civil works in the NDMC and recording that none of the petitioners were eligible for promotion to the post of Chief Engineer (Civil) as of now, the Tribunal proceeded to vacate the interim order dated 18.9.2017. At the same time, the Original Application (Original Application No. 3019/2016) was directed to be listed for arguments on 24.7.2018.

4. Aggrieved by the aforesaid order, the present petition has been filed.

5. Mr. Bhardwaj, learned counsel for the petitioners states that pursuant to issuing the vacancy Notice dated 11.7.2017, the respondents/NDMC is in the process of appointing an officer on deputation to the post of Chief Engineer (Civil) thereby rendering the original application itself infructuous. Hence, the present petition.

6. Learned counsel for the respondents/NDMC states on instructions that the officer in question has already been selected for appointment on deputation basis to the post of Chief Engineer (Civil), NDMC and an offer of appointment has been issued on 5.7.2018, but he has yet to join.

7. It is directed that the any appointment made by the respondents/NDMC to the post of Chief Engineer (Civil) on deputation basis shall be subject to the outcome of the pending O.A. No. 3019/2016.

8. Further, the Tribunal is requested to hear arguments in the main petition and dispose it of as expeditiously as is possible. No request for an adjournment from either side shall be entertained by the Tribunal on the date fixed for arguments and nor shall any accommodation be given for completion of pleadings to the either side on the date fixed. Further, any miscellaneous application filed by either side shall not detain the Tribunal and the main petition shall be heard on the date fixed.

9. The petition is disposed of along with the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

JULY 16, 2018/ap
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