

\$~1

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

+ W.P.(C) 10302/2018

DR. JATINDER BALI Petitioner
Through Mr. Kundan Kumar, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents
Through None.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **18.12.2018**

None appears for the respondents when the matter is taken up.

Learned counsel for the petitioner submits that the Central Administrative Tribunal (CAT) has proceeded on a factually wrong premise namely, that there are no recruitment rules, which permit the GDMOs to seek transfer to the specialist cadre. In this regard, attention is drawn by learned counsel for the petitioner to Annexure A5 (colly) starting at page 63 of the record. It is pointed out by learned counsel that in the existing rules in respect of junior specialist, the manner of recruitment is 50% by transfer, failing which by direct recruitment. The remaining 50% posts of junior specialist in the existing rules are to be filled by direct recruitment. The said rules also provide that the transfer has to take place from amongst GDMOs Grade-I (General Duty), failing which by the GDMOs Grade-II (General Duty) with five years regular duty in the grade. Learned counsel submits

that the Tribunal has not adverted to the said recruitment rules while passing the impugned order. A perusal of the impugned order shows that there is no reference to the said recruitment rules and the submission of the petitioner has not been adverted to. In these circumstances, we are inclined to set aside the impugned order and to remand the case back to the Tribunal for consideration of the said plea of the petitioner. Accordingly, the impugned order is set aside and the matter is remanded back to the Tribunal in the aforesaid terms.

The parties shall appear before the Tribunal on 21.01.2019.

Considering the fact that OA was preferred in the year 2012 and already six years have passed, we request the Tribunal to deal with the matter as expeditiously as possible.

The petition stands disposed of in the above terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 18, 2018

rc