

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

Date of Order: January 08, 2018

+ **W.P.(C) 157/2018**

ANIL KUMAR

..... Petitioner

Through: Mr.Amit Verma, Advocate and Ms.Ritu
Apurva, Advocate

Versus

DELHI PUBLIC LIBRARY & ORS

..... Respondents

Through: Mr.Bhagvan Swarup Shukla, CGSC and
Mr.Kamaldeep Advocate for R-4

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
ORAL

CM No.655/2018

Allowed subject to just exceptions.

W.P.(C) No.157/2018 & CM No.654/2018

1. Vide memorandum of 22nd November, 2010 (*Annexure P-1*), respondent-*Delhi Public Library* clarifies that the memorandum of 2nd February, 2003 and other office orders are applicable to the posts of Central Secretariat Official Language Services (CSOL) and do not apply to other posts. Petitioner who was working as Hindi Translator with respondent-*Delhi Public Library* was promoted to the post of Assistant Director on ad-hoc basis for six months vide letter of 30th March, 2016 and he had worked on the said post till 19th December, 2016 and thereafter he was reverted to the post of Hindi Translator. Petitioner

claims to have made a Representation (*Annexure P-32*) on 9th January, 2017 against the recoveries sought to be effected upon his reversion. Vide Communication of 15th February, 2017 (*Annexure P-33*), fourth respondent had directed respondent-*Delhi Public Library* to put petitioner's reversion on hold as his representation for promotion was under consideration. The fourth respondent vide its Communication in June, 2011 (*Annexure P-9*) had clarified to respondent-*Delhi Public Library* that fourth respondent has no objection to upgradation of post from Hindi Officer to Assistant Director. Respondent-*Delhi Public Library* vide its order of 30th January, 2012 (*Annexure P-11*) had converted the post of Hindi Officer to that of Assistant Director (Rajya Bhasa) and as per recommendation of 6th Pay Commission, the pay band of Hindi Officer was increased to the pay band of Assistant Director. Learned counsel for petitioner submits that now recovery from petitioner's salary is sought to be made which is more than 30% and the said recovery is without any basis, as petitioner had worked on the post of Assistant Director and for no fault of his, petitioner is being deprived of regular promotion to the post of Assistant Director and the consequential revision of pay scale.

2. Upon hearing, I find that no concise representation in respect of the relief sought in this petition has been made by petitioner. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with liberty to petitioner to make a concise representation to respondent-*Delhi Public Library* within a week and if such a representation is received, then respondent-*Delhi Public Library* shall pass a speaking order thereon within a period of 12 weeks and its fate be

conveyed to petitioner within a week thereafter, so that petitioner may avail of the remedy as available in law, if need be.

3. In view of the dictum of Supreme Court in *State of Punjab & Ors. Vs. Rafiq Masih (White Washer) & Ors.* (2015) 4 SCC 334, no recovery be made from petitioner till fate of representation is conveyed to petitioner.

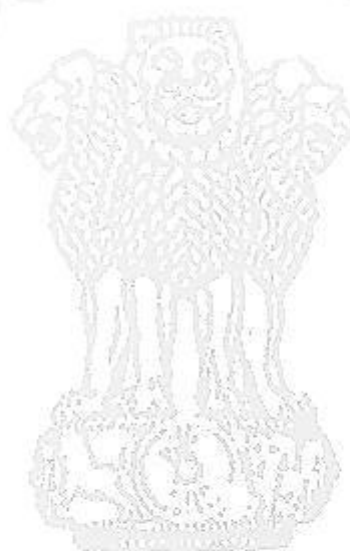
4. With aforesaid directions, this petition is disposed of.

Dasti.

SUNIL GAUR
(JUDGE)

JANUARY 08, 2018

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