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

Date of Decision: 20.08.2019

+ W.P.(C) 7185/2019

R. L. MAKHIJA

..... Petitioner

Through: Mr. Rakesh Kumar & Ms. Surbhi
Gupta, Advs.

Versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents

Through: Ms. Avnish Ahlawat, Mr. N.K. Singh
& Ms. Laveena Arora, Advs. for R-1 to R-3

Mr. R.V. Sinha, Adv. with Mr. A.S. Singh,
Mr. Amit Sinha & Mr. Sharanya Sinha, Advs. for
R-4

Ms. Eshita Baruah, Adv. for Mr. Gaurang Kanth,
Adv. for R-5

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, Chief Justice (Oral)

1. This writ petition has been preferred as a public interest litigation with the following prayers:

“A. Pass an order directing respondents to cancel/annul the illegal/ unlawful posting of promotees beladars to the post of Junior Engineers; and

B. pass an order setting up of an enquiry under the supervision of The Hon'ble HC of Delhi to find out the root cause of illegal promotion and violation of Recruitments rules; and

C. Pass an order directing the Respondents no.3 to 5 to recover the payments of the salaries in the pay grade of JEs made to the promotees Beladar during the period 12-05-2012 till 07-10-2013;and

D. pass any other order/orders which this Hon'ble Court may deem fit and proper.”

2. We have heard the counsel for the petitioner as well as the counsels for the respondents. It appears from the facts of the case that *beladars* and other cadre employees were promoted as Junior Engineers by erstwhile Municipal Corporation of Delhi. The Lieutenant Governor stayed the aforesaid promotions. Later on, it was found that to promote the said persons, who were not eligible and without following the prescribed rules and without obtaining relaxation in the requisite qualifications, concessions were given by the Department of erstwhile Municipal Corporation of Delhi. The said promotions were later on withdrawn and it is submitted by the counsel for the petitioner that such type of promotions are *void ab initio* and hence notices were given for reversal to the employees which were challenged by way of different original applications bearing O.A. Nos.4276/2018, 4312/2018, 4308/2018, 4309/2018 etc. The Central Administrative Tribunal has passed a status quo order on 20th November, 2018.

3. In view of these facts, the Central Administrative Tribunal is already seized with several original applications of the employees, who are to be reverted. Hence, we find no reason to entertain this writ petition at this stage.

4. Liberty is reserved with this petitioner to move the appropriate forum, if at all he wants to join as a party in the original applications pending before

the Central Administrative Tribunal.

5. We hereby direct the Central Administrative Tribunal to decide OA Nos.4276/2018, 4312/2018, 4308/2018, 4309/2018 etc., which have been preferred by the employees of the respondents to whom the notices of reversal have been given by the respondents from the post of Junior Engineer to the original post like *baledar* etc. These OAs will be disposed of as early as possible and practicable in accordance with law and on the basis of evidences on record within the period of eight months from the date of the receipt of copy of this order. If any reply is to be filed by the respondents before the Central Administrative Tribunal without any lethargic approach, the same shall be filed forthwith.

6. With the aforesaid observation, this writ petition stands disposed of.

CM APPL. 29921/2019 (*Stay*)

7. In view of the order passed in W.P.(C) 7185/2019, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 20, 2019

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