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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11926/2015

BUDH PRAKASH

..... Petitioner

Through: Mr.Ravindra S., Advocate.

versus

DELHI TRANSPORT CORPORATION

..... Respondent

Through: Mr.Purvesh Buttan, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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19.09.2019

1. On 14th September, 2018 this Court passed the following order:-

1. Learned counsel for the respondent is directed to obtain instructions from the Department in the context of the decision of the Supreme Court in the case of Union of India & Ors. vs. K.B. Rajoria reported as (2003) 3 SCC 562 and duly relied on by the petitioner before the Central Administrative Tribunal, as finds mentioned in para 19 of the impugned order dated 07.10.2015.

2. The aforesaid clarification is considered necessary in the light of the admitted position that the petitioner was promoted to the post of ATI on 20.05.2011, w.e.f 09.09.1998 and thereafter he was promoted to the post of ATI w.e.f 28.11.2011. As a result, for the next higher post of Traffic Supervisor, the petitioner was required to perform duties for a period of three years. In view of the fact that the persons junior to him were promoted to the said post prior to the Petitioner, the respondents is expected to have

counted at least 50% of the period of three years for granting promotion to the petitioner to the post of Traffic Supervisor, whereas he superannuated on the post of Traffic Inspector in June, 2015.

3. List on 01.02.2019.”

2. Today, the learned counsel for Respondent has produced before the Court a letter dated 7th May, 2019 issued by the Personnel Department of Delhi Transport Corporation, accepting the plea of the Petitioner regarding the restoration of his seniority to the post of Traffic Inspector with retrospective effect from 5th March, 2008 and Traffic Supervisor with retrospective effect from 10th October, 2011 with other junior employees. He has also been granted the consequential benefit of arrears of Rs.118879.

3. In the event that the Petitioner is aggrieved by the calculations enclosed with the above letter, a copy of which has been handed over to him, it will be open to him to write to the DTC pointing out the errors and seek consequential orders.

4. No further directions are called for in this petition and it is disposed of as such.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 19, 2019

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