

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 07.10.2020

**W.P.(C) 13595/2019 & CM APPL. 54960/2019, CM
APPL.3205/2020, CM APPL.9967/2020 & CM APPL.9968/2020**

P.C. MEENA

.....Petitioner

versus

**NORTH DELHI MUNICIPAL CORPORATION
AND ORS.**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. M.K. Bhardwaj, Advocate

For the Respondents : Ms. Mini Pushkarna, Standing Counsel with
Ms. Khushboo Nahar and Ms. Latika Malhotra, Advocates
for R-1/NDMC
Mr. Arun Birbal, Advocate for R-2/SDMC

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (Open Court – via Video Conferencing)

The present matter has been taken up for hearing by way of
Video Conferencing on account of COVID-19 pandemic.

CM APPL.22371/2020

Our attention has been invited to an inadvertent typographical
error in the order dated 21.09.2020, while disposing of the present
application. In the first paragraph thereof, it has been recorded that,

the application has been instituted on behalf of 'non-applicant/petitioner'. However, the said application has been instituted on behalf of the 'applicant/petitioner'.

In view of the foregoing, the first paragraph in the order dated 21.09.2020, is accordingly corrected and it shall now be read as under: -

“The present application under Section 151 of the Code of Civil Procedure, 1908, has been instituted on behalf of the 'applicant/petitioner' praying as follows.”

W.P.(C) 13595/2020, CM APPL.54960/2019, CM APPL.3205/2020, CM APPL.9967/2020 & CM APPL.9968/2020

1. The present writ petition under Articles 226/227 of the Constitution of India has been instituted on behalf of the petitioner praying as follows:-

- “(i) To quash and set aside the impugned order dated 16.12.2019 in O.A. No.3494/2019 passed by Principal Bench, Central Administrative Tribunal, New Delhi and allow all the prayers made in the aforesaid O.A. No.3494/2019.
- (ii) To quash and set aside the impugned order dated 29.11.2019 and direct the respondents to post the petitioner as Engineer-in-Chief, South DMC with all consequential benefits.
- (iii) To declare the action of the respondents in not posting the petitioner as Engineer-in-Chief and promoting his junior as Engineer-in-Chief, as illegal, arbitrary and unconstitutional and direct the respondents to post the petitioner as Engineer-in-Chief, South DMC.
- (iv) To allow the writ petition with cost.

(v) To pass such other and further order which their Lordships of this Hon'ble High Court deems fit and proper may please be passed.”

2. A perusal of the order dated 21.09.2020 reflects that, learned counsel appearing on behalf of the respondents were directed to obtain instructions *qua* the issue whether the petitioner will fall in the zone of consideration for the post of Engineer-in-Chief of the South Delhi Municipal Corporation, which we were informed is going to fall vacant on 30.10.2020.

3. Ms. Mini Pushkarna, learned Standing Counsel appearing on behalf of the NDMC and Mr. Arun Birbal, learned Standing Counsel appearing on behalf of SDMC state on instructions that, the petitioner will fall in the zone of consideration for the post of Engineer-in-Chief of the South Delhi Municipal Corporation, which is going to fall vacant on 31.10.2020.

4. Having heard learned counsel appearing on behalf of the parties, the present petition is disposed of with a direction to the respondent Corporations to consider the petitioner for the post of Engineer-in-Chief, Current Duty Charge/Look After Charge, of the South Delhi Municipal Corporation, which is going to fall vacant on 31.10.2020, in accordance with law.

5. Needless to state that, in the event the petitioner is aggrieved by the decision taken by the respondent Corporations in this behalf, he shall be at liberty to institute an appropriate proceeding, assailing that decision, if so advised, in accordance with law.

6. No further directions are called for.

7. With the above directions, the writ petition is disposed of accordingly. The pending applications also stand disposed of.

8. A copy of this judgment be provided to learned counsel for the parties electronically and be also uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

OCTOBER 07, 2020/dn

[Click here to check corrigendum, if any](#)