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

+ **W.P.(C) 3237/2019**

SUJAY GOSWAMI

..... Petitioner

Through: Dr. Vinod K. Tewari and Mr.
Manindra Dubey, Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Gaurav Rohilla, Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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12.02.2020

1. The short prayer in the present petition is for a direction to the Respondents to antedate the Petitioner's reappointment/re-designation as 'Overseer' from November, 2008.

2. The brief facts are that the Petitioner was initially appointed as Pioneer (PNR) at GREF Centre, Pune on 11th September, 2002. Between 2006 and 2008, he was sent for a two-year CME Diploma course in Civil Engineering. After acquiring the said Diploma in Civil Engineering, the Petitioner applied for reappointment as Overseer against Advertisement No. 01/2008, for which a Trade Test was held on 10th November, 2008. Pursuant to his qualifying in the said test, the Petitioner was by an order dated 15th April, 2009 posted as an Overseer and assumed charge as such with effect from

17th June, 2009.

3. The Petitioner again applied for another post of Supdt. BR-II through “reappointment” against Advertisement No. 02/2009. This lead to the Petitioner being posted as Supdt. BR-II from 10th August, 2010.

4. With the merger of the posts of Supdt. BR-I, BR-II and Overseer (Diploma Holders) and their re-designation as Junior Engineer (Civil) [‘JE (C)’], by a Government of India letter dated 13th May, 2010, it was decided that those appointed as Supdt. BR Grade II after 1st April, 2009, would be “placed before the merged seniority of Diploma holder Overseers”. At the stage of fixation his seniority, the Petitioner was holding the rank of Supdt. BR Grade-II.

5. Once the Petitioner was “reappointed”, first as Overseer and then as Supdt. BR-II, the question of considering his earlier service as Overseer for the purposes of his seniority did not arise. As far as the post of Supdt. BR-II is concerned, to which he was “reappointed”, since the petitioner assumed charge in the said post only with effect from 10th August, 2010, his seniority should be reckoned only from that date.

6. With there being no concept of “technical resignation” from the post of Overseer, which could have helped him in retaining the benefit of the period that he served in that post, the Petitioner cannot insist that his seniority should be reckoned from November, 2008.

7. There is no merit in this petition and the same is accordingly dismissed.
No costs.

S.MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 12, 2020

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