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

+ W.P. (C) 5838/2003

RADHEY MOHAN

.....Petitioner

Through: Petitioner in person.

Versus

UOI & ORS.

.....Respondents

Through: Mr.Vishal Mittal, Advocate.

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Date of Decision: 12th January, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed challenging the order dated 12th November, 2002 passed by CAT dismissing the petitioner's OA No. 472/2002.
2. In the OA, the petitioner had impugned the order dated 20th December, 2001 whereby petitioner's representations challenging the office order dated 2-1/2001-EW dated 06th February, 2001 regarding promotion on ad hoc basis in the grade of S.E(E) in P&T Building Works (Gr-A) service had been disposed of by the department.
3. In the representation, the applicant had claimed that there were anomalies/discrepancies in the office order dated 05th February, 2001 as it

was based on wrong seniority list. Petitioner had also claimed *ad hoc* appointment in the grade of Superintending Engineer (Electrical) in P&T Building Works Grade A service.

4. A perusal of paper book reveals that the seniority list had been prepared in pursuance to the directions given by the Bombay Bench of CAT which had been upheld by the Supreme Court in ***M.K. Shanmugam & Anr. Vs. Union of India & Ors., Civil Appeal No.5086/1994***. Consequently, this Court is of the view that the same cannot be interfered with in the present proceedings.

5. At this stage, the petitioner who appears in person, draws the attention of this Court to the observation of the Supreme Court in ***M.K. Shanmugam*** (supra), wherein it has been held as under:-

“.....Therefore, we are of the view that conclusions reached by the Tribunal appear to us to be correct and call for no interference. However, we make it clear, as noticed earlier, that while amending the rules of recruitment in the 1984 all those who are already in service will be borne in mind in adjusting the seniority amongst the promotes inter se and suitable adjustments could be made and so far as the direct recruits are concerned, their cases will go by their quota rule and the view taken by the Tribunal in this regard cannot be taken exception of.”

6. Upon a perusal of the aforesaid direction, we find that the Apex Court had given leeway to the respondents to amend the Recruitment Rules of 1984. However, in the present proceedings, there is neither any challenge nor reliance upon the amended Recruitment Rules of 1994. Accordingly, the aforesaid observation by the Apex Court offers no assistance to the petitioner.

7. Further, in the impugned order, the Tribunal has recorded respondents' concession that as and when petitioner reaches the seniority list level, he would be considered for Group-A post. Consequently, this Court is of the view that no interference is called for with the impugned order. Accordingly, the present writ petition stands disposed of.

MANMOHAN, J

ASHA MENON, J

JANUARY 12, 2021
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