

\$~28(2021)

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

%

Decision delivered on: 16.11.2021

+ **W.P.(C) 12849/2021**

RAJESH KUMAR & ORS.Petitioners

Through : Mr. Tilak Dhari Yadav, Adv.

versus

DIRECTOR GENERAL, ESIC AND ORS.Respondents

Through : None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. This writ petition is directed against an interlocutory order dated 30.09.2021, passed by the Central Administrative Tribunal [in short the “tribunal”] in O.A. No.902/2021.

2. Mr. Tilak Dhari Yadav, who appears on behalf of the petitioners, says that, the petitioners seek a direction qua the respondents that they should be considered by the Departmental Promotion Committee [in short “DPC”] for promotion to the post of Radiographer.

2.1. According to Mr. Yadav, the feeder post for the promotion to the post of Radiographer is Dark Room Assistant.

2.2. It is also Mr. Yadav's contention that, the petitioners are eligible for promotion to the post of Radiographer, as per the criteria fixed in the gazetted Recruitment Rules [in short “RRs”] of 2011.

2.3. Furthermore, Mr. Yadav says that, the respondents have framed new RR's, in which the feeder post of Dark Room Assistant has been done away

with.

3. A perusal of the impugned order dated 30.09.2021 shows that, the Tribunal has observed that promotions, if any, to the post of Radiographer shall be subject to the final outcome in the main matter i.e., O.A. No.902/2021, and the O.A. has been fixed for hearing by the Tribunal, on 21.12.2021.

4. At this juncture, we find that there is no error in the order dated 30.09.2021, passed by the Tribunal.

4.1. Therefore, no interference is called for with the impugned order of the Tribunal.

5. Needless to add that, all contentions which have been advanced by the petitioners in the O.A. [i.e., O.A. No.902/2021] shall remain open for being pressed, in support of their case before the Tribunal.

6. Furthermore, if any DPC is held, in the interregnum, the persons who are considered will be made aware by the respondents about the pendency of the petitioners' original application i.e., O.A.No.902/2021.

7. The writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

TALWANT SINGH, J

NOVEMBER 16, 2021/aj

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