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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decision delivered on: 01.02.2022

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W.P.(C) 12/2022 & CM Nos. 20-23/2022

ASHUTOSH GIRI & ORS.

..... Petitioners

Through: Mr Gautam Narayan, Advocate

versus

EMPLOYEES STATE INSURANCE CORPORATION & ORS.

..... Respondents

Through: Mr Shlok Chandra, Standing Counsel
with Mr Judhajit Roy and Ms Mansie
Jain, Advs. for ESIC.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

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

RAJIV SHAKDHER, J. (ORAL):-

CM Nos. 20-21/2022

1. Allowed, subject to just exceptions.

W.P.(C) 12/2022

CM No. 22/2022[*Application filed on behalf of the petitioners seeking leave to take on record additional documents*]

CM No. 23/2022[*Application filed on behalf of the petitioners seeking interim relief*]

2. Issue notice.

2.1. Mr Shlok Chandra accepts notice on behalf of the contesting respondent i.e., respondent no. 1-Employees' State Insurance Corporation (ESIC).



3. Accordingly, with the consent of the counsel for the parties, the matter is taken up for hearing and final disposal, at this stage itself, based on the record presently available with the Court. .

4. This writ petition is directed against the order dated 13.09.2021, passed by the Central Administrative Tribunal [in short, “the Tribunal”] in O.A. No. 1984/2021.

4.1. The petitioners had approached the Tribunal by way of the aforesaid O.A. with the grievance that the Departmental Promotion Committee [in short, “DPC”] was not being convened for the vacancy years 2017-18 to 2020-21 for the post of Deputy Director (Regular).

4.2 Concededly, the petitioners, at present, are working on the said post, albeit on *ad hoc* basis.

4.3. The Tribunal, *via* the impugned order, disposed of the O.A. by directing respondents to dispose of the representations made in that behalf by the petitioners, by way of a reasoned and speaking order.

5. Mr Gautam Narayan, who appears on behalf of the petitioners [i.e., the original applicants], says that even after the impugned order was passed, several representations were made, *inter alia*, on 21.09.2021, 24.09.2021 and 29.11.2021.

5.1. According to Mr Narayan, there has been no movement in the matter.

6. Mr Chandra says that in case the petitioners’ representations are pending, they will be disposed of.

7. Having regard to the foregoing, we direct the respondent to dispose of the petitioners’ representations within two weeks, and furnish a copy of the order passed in the representations, to the petitioners.



7.1. While disposing of the representations, the respondent will bear in mind the observations made in the judgment dated 28.02.2012, passed by a Division Bench of this court in W.P.(C.) 5549/2007, titled ***Dr. Sahadeva Singh vs Union of India and Ors.***

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

9. The parties will act on the digitally signed copy of this judgment.

RAJIV SHAKDHER J.

TALWANT SINGH, J

FEBRUARY 1, 2022/mr

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