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

% *Date of Decision: 13th December, 2022*

+ W.P.(C) 17000/2022

SURENDER KUMAR Petitioner
Through: Mr. M.K. Bhardwaj and
Ms. Alisha Saini, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD AND
ORS. Respondents
Through: Mr. Rijul Taneja, Advocate.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

C.M. APPL. 53866/2022 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. Present writ petition has been filed by the Petitioner to declare the action of the Respondents in delaying the promotion of the Petitioner to the post of AE (Civil) and EE (Civil) on regular basis, as illegal and arbitrary. A writ of mandamus is sought directing the Respondents to open the sealed cover and promote the Petitioner to the post of AE (Civil) and EE (Civil) from the date of promotion of his juniors with all consequential benefits including arrears of pay from the due date.

4. It is the case of the Petitioner that he was recruited on 16.03.2000, to the post of JE (Civil) in Slum & JJ Department of the

erstwhile MCD, currently DUSIB. Petitioner was implicated in a false case in 2003 and a criminal case was registered, on account of which when the Respondents convened a DPC in 2017, for regular promotion to the post of AE (Civil), while the juniors of the Petitioner were promoted, in case of the Petitioner they resorted to a sealed cover procedure. It is also pointed out that as it is the said DPC was convened after a long period of 10 years.

5. It is stated in the writ petition that *vide* judgment dated 11.07.2022, Petitioner was acquitted in the criminal case, pursuant to which he made a representation to the Respondents on 19.07.2022, to open the sealed cover and give effect to the recommendations of the DPC. Not getting any response, Petitioner had no option but to file the present writ petition.

6. Mr. Bhardwaj, learned counsel for the Petitioner, at the outset, on instructions, submits that since the Petitioner has already made a representation, he would be satisfied if direction is issued to the Respondents to decide the representation within a time bound frame, as the case of the Petitioner is squarely covered by the judgment of the Supreme Court in *Union of India v. K.V. Jankiraman, (1991) 4 SCC 109* and the provisions of the DoPT O.M. dated 14.09.1992.

7. In view of the aforesaid, the writ petition is allowed to the extent of directing the Respondents to decide the representations of the Petitioner dated 22.07.2022 and 12.10.2022, positively within a period of six weeks from today.

8. Needless to state that the representations will be decided in accordance with law.

9. Accordingly, the writ petition stands disposed of.

JYOTI SINGH, J

DECEMBER 13, 2022/shivam

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