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

% *Date of Decision: 14th February, 2023*

+ W.P.(C) 1843/2023

PREM KUMAR RAI Petitioner

Through: Mr. J.P. Shukla, Advocate

versus

TATA POWER DELHI DISTRIBUTION
LIMITED

..... Respondent

Through: Mr. Sujit Kumar Singh,
Advocate along with Mr. Amit Singh, AGM
for Respondent.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition has been filed seeking the following relief:-

“Issue appropriate Writ directing the respondents to give upgradation to the Petitioner to the post of Addl. G.M. NFSG w.e.f., 01.07.2018 with consequential benefits involving payment of arrears and refixation of Pension etc., from the due date.”

2. The case of the Petitioner is that he was appointed as an Inspector on 31.07.1987 in the erstwhile Delhi Electricity Supply Undertaking (DESU) after selection through Union Public Service Commission. DESU was renamed as DVB which was privatized on 01.07.2002 and renamed as NDPL. On 01.07.2004, Petitioner was promoted as Assistant Manager by NDPL. On 01.07.2010, all Assistant Managers were upgraded by NDPL first as Manager (Electrical) and then as Senior Manager (Electrical) in the pay band of

Signature Not Verified Rs.19,000-39,100/- with Grade Pay of Rs.7,600/-.

3. On 01.07.2013, NDPL was named as TATA Power-DDL and Senior Managers were elevated as AGM (Electrical) w.e.f. 01.07.2013 though in the same pay scale. On 01.07.2015, Petitioner was promoted as DGM (Electrical) in pay band Rs.37,400-67,000/- with Grade Pay Rs.8,900/-. Pursuant to 7th CPC Recommendations which were accepted by the Respondent on 24.07.2020 w.e.f. 01.01.2016, for the erstwhile DESU employees, Petitioner became eligible for promotion on non-functional basis after three years from 01.07.2018 in the Grade Pay of Rs.10,000/-. In fact, his immediate junior Shri P.K. Rai was given the non-functional promotion from 01.07.2015. Petitioner was denied the said benefit and retired on superannuation on 31.07.2019.
4. It is the case of the Petitioner that he has been making several representations to the Respondent seeking benefit of the time bound non-functional promotion as given to his immediate junior but there has been no response from the Respondent.
5. Issue notice.
6. Mr. Sujit Kumar Singh, learned counsel accepts notice on behalf of Respondent.
7. Having heard the counsels for the parties, in my view, it would be appropriate at this stage to dispose of the writ petition by directing the Respondent to decide the representation of the Petitioner.
8. Learned counsel appearing on behalf of Respondent on advance copy of the writ petition submits that the representation will be decided within a period of four weeks from today.
9. Accordingly, the writ petition is disposed of with a direction to the Respondent to decide the representation of the Petitioner dated 14.06.2021 within four weeks from today by a reasoned and speaking order, which shall be communicated to the Petitioner.

10. Needless to state that in case the Petitioner has any surviving grievance thereafter, he shall be at liberty to take recourse to appropriate remedies available in law.

11. Writ petition stands disposed of with the aforesaid directions.

JYOTI SINGH, J

FEBRUARY 14, 2023/kks/shivam

