



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

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Date of Decision: July 19, 2023

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+ W.P.(C) 9962/2017 & CM APPL. 53717/2019

BALRAM & ORS

..... Petitioners

Through: Mr. Manoj Kumar Mishra, Mr. Umesh Dubey, Mr. Vishal and Mr. Piyush Singh, Advocates.

versus

THE CHAIRMAN, NEW DELHI MUNICIPAL COUNCIL & ORS

..... Respondents

Through: Mr. Vaibhav Agnihotri and Ms. Kavita, Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

1. The challenge in this writ petition is to the order dated July 13, 2017 whereby the Tribunal dismissed the O.A. No. 1590/2015 filed by the petitioners herein. The claim of the petitioners before the Tribunal was for promotion to the post of Pump Attendant though there is a finding of fact of Tribunal that only two petitioners had appeared and not the other two. This position has been contested by the learned counsel for the petitioners by stating that all the four had appeared in the trade test.

2. Mr. Vaibhav Agnihotri, learned counsel who appears for the respondents drew our attention to the fact that petitioners had appeared in the trade test but have not qualified the same as they secured marks less than 50 which was the cut off.



3. We find that the petitioners are not contesting the result of the trade test for the post in question. The only plea made by the learned counsel for the petitioners is that as there are vacancies, the respondent should advertise the same so that the petitioners can apply for the same and participate in the selection process to get promotion to the post of Pump Attendant. There cannot be any contest on the said plea raised by the learned counsel for the petitioners. Accordingly, we direct that the respondents shall if vacancies in the grade of Pump Attendant are available, advertise the same against which petitioners shall also apply and their case shall be considered in accordance with rules.

4. The writ petition is disposed of. The pending application also stand disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

JULY 19, 2023/mr