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

+ **W.P.(C) 6109/2024**

ANIL KUMAR

..... Petitioner

Through: **Mr. G.D. Mishra, Advocate**

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: **Dr. Divya Swamy, SC with Mr. Rishav Ranjan and Ms. Akriti Singh, Advocates**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

01.05.2024

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CM APPL. 25356-25357/2024 (exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

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3. The present petition under Article 226 and 227 of the Constitution of India seeks to assail the order dated 08.02.2024 passed by the learned Central Administrative Tribunal in MA No.2407/2021 (Execution). Vide the impugned order, the learned Tribunal has disposed of the petitioner's application seeking execution of the order dated 08.10.2018 passed in OA No.2825/2017.

4. We may note that vide order dated 08.10.2018, OA No.2825/2017 was disposed of by the learned Tribunal by directing the respondents to



consider the claim of the petitioner for his promotion to the post of Executive Engineer (Civil) by taking into account the observations made by the Tribunal in para 4 of its earlier order dated 18.11.2016. Upon the application for execution of order dated 08.10.2018 being filed, it was the stand of the respondent that the petitioner's case for promotion had been considered, though he was not found 'fit' for promotion. It was in these circumstances, that the learned Tribunal rejected the execution application being MA No. 2407/2021 by granting liberty to the petitioner to file a fresh OA assailing the respondent's decision to hold him as 'unfit' for promotion to the post of Executive Engineer.

5. Learned counsel for the petitioner submits that the grievance of the petitioner is that even though the learned Tribunal has granted him liberty to assail the aforesaid decision of the respondent holding him unfit for promoting, he has till date not received any written communication from the respondent.

6. When faced with this situation, learned counsel for the respondent submits that though the fact about the petitioner being found unfit for promotion has been clearly set out by the respondent in their additional affidavit filed before the learned Tribunal, the respondent will send a written communication in this regard to the petitioner, within two weeks, if not already sent.

7. In the light of this stand taken by the respondent, we dispose of the petition by granting liberty to the petitioner to assail the decision of the respondent rejecting his case for promotion to the post of Executive Engineer. As already noted above, the respondent will within two weeks provide written communication in this regard to the petitioner through



counsel.

8. The petition stands disposed of.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 1, 2024/So