



\$~84

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

+ **W.P.(C) 12308/2024**

MAYANK KAURA

.....Petitioner

Through: **Mr.Rajmangal Kumar, Advocate.**

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: **Mrs. Avnish Ahlawat, Standing Counsel with Mr.Nitesh Kumar Singh, Ms.Laavanya Kaushik, Ms.Aliza Alam and Mr.Mohnish Sehrawat, Advocates.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **04.09.2024**

CM APPL. No. 51187/2024

1. Exemption allowed, subject to just exceptions.
2. Application stands disposed of.

W.P.(C) 12308/2024 and CM APPL. No.51186/2024

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of Constitution of India seeking the following reliefs:

“(a) Issue the writ of mandamus or any other appropriate writ, orders or directions for considering the promotion of the petitioner for the post of Manager Technical in Delhi Transco Ltd. i.e. respondent No.2, through Departmental Promotion, as per final seniority list No. DTL/101/2024/HR-Mgr. (HR)- 11/41 dated 16.08.2024;

(b) Pass an order to give VC/DC clearance of the petitioner as per representation dated 01.07.2024 and 29.07.2024 and/ or;

(c) Pass an order to call the complete records of Department promotion committee (DPC) convened on 29.08.2024 in respect of office order No. F.DTL/101/2024/HR-Prom & TBPS/43 dated 29.08.2024;”

4. It is an undisputed position that FIR No.428/2018 dated 02.08.2018

W.P.(C) 12308/2024

Page 1 of 3



was registered against the Petitioner under Sections 498A/406/34 IPC at PS: Mukherjee Nagar, Delhi at the instance of his wife *albeit* Petitioner is on bail granted by the Court vide order dated 05.07.2022. Petitioner seeks a direction to the Respondents to consider his case for promotion to the post of Manager Technical in Delhi Transco Ltd. by holding a DPC as per the final seniority list dated 16.08.2024, wherein Petitioner is at serial number 8. According to the Petitioner, his juniors have been cleared for promotion and the only impediment in his way is that the vigilance clearance has not been accorded on account of the pending criminal case.

5. Issue notice.

6. Mrs. Avnish Ahlawat, learned Standing Counsel accepts notice on behalf of the Respondents.

7. At the outset, learned counsel for the Petitioner, on instructions, submits that the Petitioner would be satisfied if at this stage a direction is issued to Respondent Nos. 2 to 4 to decide the representations given by the Petitioner on 01.07.2024 and 29.07.2024, without going into the merits of the case.

8. Looking at the limited relief sought by the Petitioner and without entering into the merits of the case, this writ petition is disposed of with a direction to Respondents No.2 to 4 to decide the representations given by the Petitioner on 01.07.2024 and 29.07.2024, after giving him an opportunity of hearing, for which the date and time will be intimated to the Petitioner at least 10 days in advance. The representations will be decided within four weeks from today. Needless to state that a reasoned and speaking order shall be passed by the Competent Authority, which shall be communicated to the

W.P.(C) 12308/2024

Page 2 of 3



Petitioner, who will be at liberty to take recourse to legal remedies in case of any surviving grievance.

9. Pending application also stands disposed of.

JYOTI SINGH, J

SEPTEMBER 4, 2024
SV

W.P.(C) 12308/2024

Page 3 of 3