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

+ **W.P.(C) 16399/2024**

PRABODH KUMAR AND OTHERS

.....Petitioners

Through: Mr. Sanjay Kumar Mishra, Advocate.

versus

AIRPORT AUTHORITY OF INDIA AND ANRRespondents

Through: Mr. Nikilesh Ramachandran, Mr. Anmol Singhal and Mr. Navdeep Jain, Advocates for Respondent No.1/AAI.

Mr. Shashank Dixit, CGSC with Ms. Megha Sharma, Government Pleader, for Respondent No.2/IOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

02.12.2024

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CM APPL. 69100/2024

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

W.P.(C) 16399/2024

3. This writ petition has been preferred by the Petitioners under Article 226 of the Constitution of India seeking a direction to Respondent No.1 to consider the case of the Petitioners for promotion to the post of Assistant Manager (CNS) w.e.f. June 2021 and Manager (CNS) w.e.f. the year 2024 and accordingly fix their seniority.
4. Facts to the extent necessary and as averred in the writ petition are that Petitioner No.1 joined Respondent No.1 as Junior Executive (CNS) on



07.05.2018 and became eligible for promotion as Assistant Manager w.e.f. 07.05.2021 through CNS AM DPC year 2021. Petitioner No. 2 joined as Junior Executive (CNS) on 02.07.2018 and became eligible for promotion to the post of Assistant Manager (CNS) through Assistant Manager CNS DPC year 2021. Petitioner No. 3 joined as Senior Assistant Electronic NE-6 (CNS) on 08.02.2012 and after appearing in the Departmental Examination became Junior Executive (CNS) on 29.06.2018 and thus, became eligible for promotion as Assistant Manager (CNS) from 29.06.2018. Petitioner No. 4 joined as Junior Executive (CNS) on 08.10.2018 and became eligible for promotion to Assistant Manager (CNS) through Assistant Manager CNS DPC year 2021 as per retrospective date of joining as Junior Executive (CNS). Petitioner No. 5 joined as Senior Assistant Electronics NE-6 (CNS) on 18.04.2011, after appearing in the Departmental Examination and became Junior Executive (CNS) on 27.06.2018 and became eligible for promotion to Assistant Manager (CNS) on 27.06.2021 through Assistant Manager CNS DPC year 2021.

5. The grievance of the Petitioners is that they have become eligible for promotion to the next posts as per the dates mentioned in the writ petition in accordance with the relevant Recruitment Rules and guidelines, however, they were belatedly promoted only on 15.07.2022 and this was purely on account of administrative delays, which cannot be countenanced in law. An office order was issued on 16.01.2018 by Respondent No.1 downgrading 151 posts of the Assistant Manager (CNS) at Junior Executive level from Assistant Manager (CNS) *albeit* at earlier point in time the sanctioned posts of Junior Executive (CNS) were 864. As a result of this downgradation, the sanctioned strength was revised and adversely impacted Petitioners' career



progression. Representations made by the Petitioners seeking restoration of the downgraded posts have yielded no results, compelling the Petitioners to approach this Court.

6. Issue notice.

7. Learned counsels, as above, accept notice on behalf of the respective Respondents.

8. Having heard counsels for the parties and considering that the issue involved is downgradation of certain posts and its consequential impact on the promotions of the Petitioners, it would be appropriate at this stage to dispose of this writ petition, without entering into the merits, with a direction to Respondent No.1 to treat this writ petition as a representation and decide the same within a period of eight weeks from the date of receipt of this order. A reasoned and speaking order shall be passed by Respondent No.1, highlighting the reasons for downgrading the posts of Assistant Manager (CNS) as well as the reason(s) for delayed promotions of the Petitioners as they were allegedly eligible from prior dates. The order shall be communicated to the Petitioners within one week from the date of decision and Petitioners will be at liberty to take recourse to appropriate legal remedies in case of any surviving grievance.

JYOTI SINGH, J

DECEMBER 2, 2024

B.S. Rohella