



2024:DHC:9246-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 1162/2024 & CM APPL. 69302/2024**

SANJAY KUMAR SINGHAppellant
Through: Appellant in person.

versus

THE PRINCIPAL SECRETARY TO
LG AND ORS & ORS.Respondents
Through: Mr. Prashant Mehta, SC with
Mr. Pravan Singh, Adv. for DERC.
Mrs. Avnish Ahlawat, SC with Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik, Ms.
Aliza Alam and Mr. Mohnish Sehrawat,
Advs. for R-1 to 3.
Mr. Anirudh D, ASC for R-4.
Mr. Ravi S.S. Chauhan, Adv. for R-7.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER (ORAL)
27.11.2024

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LPA 1162/2024

1. This Letters Patent Appeal is directed against an interlocutory order dated 20 November 2024 passed by a learned Single Judge of this Court, deciding CM 66267/2024.
2. By the impugned order, the learned Single Judge has dismissed the application.

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3. The appellant had been appointed as Executive Assistant with the Delhi Electricity Regulatory Commission¹ on contract. Purportedly on the ground that his contractual engagement had expired, the appellant was relieved by the DERC by order dated 5 April 2024. Assailing the said order, the appellant is litigating before the learned Single Judge in WP(C) 5826/2024².

4. CM 66267/2024, which has been dismissed by the impugned order was preferred by the appellant in the said writ petition. The appellant claims to have been compelled to file CM 66267/2024 as interviews, scheduled for today, are being conducted by the DERC for the post of Steno-cum-Computer Operator.

5. The contention of the appellant, who appears in person, is that the post of Steno-cum-Computer Operator had earlier been converted to the post of Executive Assistant, and it was on the said post that the appellant was appointed, albeit on contract basis. The appellant has placed reliance, for this submission, on order dated 25 April 2024, passed by a predecessor learned Single Judge in the writ petition, which reads as under:

“1. After some hearing, Mr. Ghose, learned senior counsel appearing for the respondent submits that he would take appropriate instructions from the respondents in respect of whether the petitioner can be permitted to participate in the recruitment process initiated by the respondent vide advertisement No.F.1(457)/Estt./DERC/2021-22 dated 17.02.2024 whereby the respondent has advertised filling up of one existing post and two anticipated posts of Steno-cum-Computer Operator.

¹ “DERC” hereinafter, represented by Respondents 4 to 6
² Sanjay Kumar Singh v The Principal Secretary to LG



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2. The petitioner submits that the Steno-cum-Computer Operator was hitherto before deemed equivalent to the Executive Assistant Grade-I which appears to be correct in accordance with the Annexure P-4 at page 63 of the present petition.

3. List the matter for awaiting instructions on 08.05.2024 in the supplementary list.”

6. In view of the aforesaid order, the appellant submits that the learned Single Judge was not correct in her observation, in para 9 of the impugned order, that there was no clear connection between the post of Steno-cum-Computer Operator and the post of Executive Assistant. The appellant’s contention appears to be that, even if the appellant were to succeed in the writ petition, and his relieving from the post of Executive Assistant is set aside by the learned Single Judge, if the post which was being held by him is permitted to be filled up by a Steno-cum-Computer Operator, the appellant would be left only with the award and not with the reward.

7. According to the appellant, the respondent is not even entitled to fill up the said post by a Steno-cum-Computer Operator, as the post was one of Executive Assistant, consequent to the earlier conversion which had taken place.

8. We are not entering into the merits of the aforesaid submissions. We find no substantial error in the order passed by the learned Single Judge, to the extent it refuses to grant interim relief as sought by the appellant. As the learned Single Judge has correctly noted, the appellant is a relieved employee. As a relieved employee, the appellant can really not seek to interdict an appointment to a post even if it is the post from which he was relieved. There is no interim

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order in favour of the appellant, staying his relieving from the post which he was holding.

9. However, keeping in mind the submissions made by the appellant, we are inclined merely to dispose of this appeal by modifying the order passed by the learned Single Judge to the extent that, while the respondent would be at liberty to continue with the interviews scheduled to be held today and make appointment in pursuance thereof, any appointment made would be subject to the outcome of the writ petition. We also clarify that, if any person is appointed to the post pursuant to the interview to be held today, the appellant would be required to implead the said person, as the outcome of the writ petition may materially affect her, or his, appointment.

10. The appeal, along with all pending applications, is disposed of in the aforesaid terms. No costs.

11. Mr. Mehta points out, at this juncture, that there are four posts of Steno-cum-Computer Operator. Needless to say, it would be the appointment only against one of the said posts which, if made, would be subject to the outcome of the writ petition.

C. HARI SHANKAR, J.

GIRISH KATHPALIA, J.

NOVEMBER 27, 2024

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Click here to check corrigendum, if any

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