



2025:DHC:1725-DB



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

Date of decision: 18.03.2025

+ **W.P.(C) 3287/2025 & CM APPL. 15554-56/2025**
UNIVERSITY GRANTS COMMISSION

.....Petitioner

Through: **Mr.Manoj Ranjan Sinha &**
Mr.Vishal Agrawal, Advs.

versus

SUNITA CHUGH & ANR.

.....Respondents

Through: **Ms.Sriparna Chatterjee, Mr.**
Soumitra Chatterjee &
Mr.Manish & Mr.Ashwin
Romy, Advs. for R-1.
Ms.Gauri Goburdhun, Panel
Counsel with Mr.K.S. Jaggi,
Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner challenging the Order dated 03.01.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3705/2017, titled ***Sunita Kumari Chugh v. University Grants Commissions & Anr.***, allowing the said Original Application filed by the respondent herein with the following directions:-



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“9. As there is a merit on the side of the applicant, who has been discriminated by the respondents, we hereby set aside the impugned order dated 01.08.2017 and the respondents are directed to convene a DPC within a period of three months from the date of the receipt of a certified copy of this Order. If the applicant is found otherwise eligible, he shall also be given notional promotion on the post Deputy Secretary with effect from 01.05.2015, the date when he became eligible to the said post. Any consequential benefits shall also be accorded to the applicant.”

2. At the outset we note that the present petition has been filed only on 17.03.2025, that is, after a period of more than two years of the passing of the Impugned Order. The petition is, therefore, liable to be dismissed on ground of delay and latches alone.

3. The respondent no.1 had filed the above Original Application before the learned Tribunal, contending therein that the respondent no.1 was entitled to be considered for promotion to the post of Deputy Secretary in the petitioner in the DPC that was scheduled to be held on 14.03.2017, however, the said DPC was not held as the petitioner was considering amendment in the Recruitment Rules. The respondent prayed for a direction to the petitioner to immediately convene the DPC and to consider the respondent for promotion.

4. Eventually, the said DPC was held on 28.02.2018 with the unamended Recruitment Rules itself. In the meantime, the respondent no.1 had superannuated on 31.03.2017.

5. The learned Tribunal, taking into account that the case of the respondent no.1 had to be considered in the DPC to be held on 14.03.2017, allowed the Original Application filed by the respondent



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no.1 and issued the above-mentioned direction to the petitioner. Aggrieved of the direction, the petitioner has filed the present petition.

6. The learned counsel for the petitioner contends that by an e-mail dated 10.03.2017, the Ministry of Human Resource Development had directed the petitioner not to convene the DPC and not to grant promotion to the post of Deputy Secretary till the required amendments in the existing Recruitment Rules were effected. It was only later that the permission to conduct the DPC was granted, pursuant to which the DPC was conducted, however, in the meantime, the respondent no.1 had superannuated. He submits that, therefore, the plea of discrimination against the respondent no.1 was not made out.

7. On the other hand, the learned counsel for the respondent no.1, who appears on advance notice of this petition, contends that the learned Tribunal has rightly held that the case of promotion is to be considered in accordance with the Recruitment Rules that were existing on the date of the vacancies arising. She submits that merely because the petitioner delayed the conduct of the DPC, albeit at the direction of the Ministry of Human Resource Development, the respondent no.1 cannot be denied his due right to promotion.

8. We have considered the submissions made by the learned counsels for the parties.

9. Admittedly, the DPC dated 28.02.2018 was conducted in accordance with the Rules that were to be applied by the DPC that was proposed to be held on 14.03.2017 as well. Therefore, the delay in conduct of the DPC was neither for a reason attributable to the respondent no. 1 nor had resulted in any change in the entitlement of



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the respondent no. 1 to the claim for promotion. While it is the settled position in law that an employee does not have vested right to promotion but only to be considered for promotion, in the present case, even this right was denied to the respondent no. 1.

10. We, therefore, find no reason to entertain the present petition, which, as noted hereinabove, has been filed with delay and laches. The petition is accordingly dismissed.

11. We, however, grant further time to the petitioner to comply with the Impugned Order passed by the learned Tribunal. The same be complied within a period of eight weeks from today.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MARCH 18, 2025/rv/IK

Click here to check corrigendum, if any