



2025:DHC:9553-DB



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

Date of decision: 29.10.2025

+ W.P.(C) 13007/2006
KAMLESH KUMAR MAURYA & ORS.Petitioners
Through: Mr.S.K. Gupta, Adv. (VC)

versus

UOI & ORS.Respondents
Through: Ms.Madhusmita Bora,
Ms.Pavithra V., Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, praying for the following reliefs:

“(i) to issue a writ of certiorari or any other writ, order or direction, quashing the orders dated 25.11,2005 as passed by Ld. Central Administrative Tribunal, Principal Bench, New Delhi, in O.A.No.1340 of 2004;
(ii) to further issue a writ of mandamus or any other writ, order or direction, directing the respondents to modify the promotion orders dated 20.2.2004 and 10.3.2004 by way of holding the review D.P.C. in accordance with the Govt. of India instructions dated 8.9.1998 and 13.10.1998 and the promotion orders, promoting the Petitioners and the members of the Petitioner No.5- Association from J.T.S. to S.T.S. be issued from the date when the juniors to the Petitioners were actually promoted in the year 1998 or thereafter and consequently

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grant of Non Functional Selection Grade.”

2. To give a brief background of the facts in which the present petition arises, the petitioners were appointed as Assistant Directors/Junior Time Scale (in short, ‘JTS’) on 14.05.1992, 31.08.1992, 05.08.1993 and 30.11.1994, respectively. A seniority list of both promotee Engineers and direct recruit Engineers in the JTS cadre was issued by the respondents on 11.08.1994. Some of the direct recruit JTS Engineers challenged the same before the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the ‘Tribunal’) by way of an O.A., being O.A. No.798/1996, titled ***Mohammad Kasim v. Union of India & Ors..***

3. As no stay was granted in the said O.A., the respondents, by way of the promotion Order dated 30.08.1998, to the Senior Time Scale (in short, ‘STS’), promoted several individuals who were shown senior to the petitioners in the seniority list dated 11.08.1994.

4. In the O.A. referred to hereinabove, the learned Tribunal, by Order dated 10.02.2000, set aside the seniority list dated 11.08.1994. Consequently, and in compliance with the said order, the respondents issued a revised seniority list on 10.04.2002, wherein several individuals, who had been previously promoted to the STS in the year 1998, were placed junior to the petitioners.

5. The petitioner nos.1 and 2 were granted ad-hoc promotion to the STS in December 2002, while the petitioner nos.3 and 4 were promoted to the STS on an ad-hoc basis in January 2003. Subsequently, the petitioners were granted regular promotion to the



STS on 20.02.2004 and 10.03.2004, respectively, in accordance with the revised seniority list and the recommendations of the Departmental Promotional Committee.

6. The petitioners contend that certain individuals, who were junior to them, were promoted to the STS with effect from 1998 and enjoyed the benefit of the same. Aggrieved by the same, the petitioners made representations asserting that the petitioners should have been placed in the STS with effect from the date as that of their juniors.

7. Since the respondents failed to decide the representations of the petitioners, the petitioners filed O.A. No.1340/2004 before the learned Tribunal, titled ***Kamlesh Kumar Maurya & Ors. v. Union of India & Anr.***

8. The learned Tribunal, while dismissing the said O.A., observed therein that there were two modes of promotion, that is, direct recruitment and departmental promotion. The learned Tribunal observed that the individuals who were shown as junior to the petitioner no.1 had been promoted to the STS earlier in the year 1998, when their vacancy arose as departmental promotees, and, therefore, the petitioner no.1 could not raise a grievance regarding the same.

9. The learned counsel for the petitioners submits that the learned Tribunal erred in its observation, as the Indian Broadcasting (Engineers) Service Rules, 1981, stipulate only one mode of appointment to the STS, namely through promotion. He submits that, for this reason, the combined seniority list published by the respondents on 10.04.2002 should have been considered, and as it



included certain individuals who were junior to the petitioners but had been granted promotion to the STS since 1998, therefore, similar relief of retrospective promotions as STS should have been extended to the petitioners.

10. On the other hand, the learned counsel for the respondents submits that the present petition, as well as the O.A. filed before the learned Tribunal, is entirely misconceived. She submits that once the seniority list dated 11.08.1994 had been set aside by the learned Tribunal *vide* its Order dated 10.02.2000 passed in the OA No.798/1996, the promotion granted to the individuals to the STS *vide* order dated 30.10.1998 was recalled and was no longer operative. Therefore, the claim of the petitioners for parity is wholly without merit. We may quote from the counter affidavit filed by the respondents as under:

“The petitioners have again and again emphasized that they should be promoted w.e.f. 30.10.1998, which is claimed by them to be the date on which their juniors were promoted to STS. However they have deliberately suppressed the factual information that their juniors were promoted to STS 30.10.1998 on the basis of the old JTS seniority list No. 2/7/92-SIII dated 11/8/1994 which has been set aside and now stands revised by the JTS seniority list no. 2/3/2002-S.III dated 10/4/2002. And that the promotion order dated 30.10.1998 has already been reviewed vide order no. 4/2004-BA(E) dated 20/2/2004 wherein the date of the promotion of their juniors have also been modified according to review DPC and the promotion order dated 30.10.1998 is no more existing now it has become null and void. It is surprising that on one hand the petitioners



have claimed and accepted their seniority as per the revised seniority list no. 2/3/2002-SIII dated 10/4/2002 however at the same time they are praying to be promoted to STS on the basis of old seniority list No. 2/7/92-SIII dated 11/8/1994 which has already been set aside and therefore is no longer in operation.

Further the claim of the petitioners to relate their revised seniority positions as in seniority list of ITS dated 10/4/2002, with the promotion order dated 30.10.1998 is misleading as based on their revised seniority the petitioners and their juniors are now not eligible to be considered in the review DPC panel held for the promotion order dated 30.10.1998 for which DPC was actually held on the basis of the old seniority list of JTS dated 11/8/1994 existing at that time. Their junior DP candidates have already been unsettled from the order dated 30/10/1998 which now stands infructuous in View of the review promotion orders issued vide order No. 4/2004-BA(E) dated 20/2/2004 and order no.13/2004-BA(E) dated 15/6/2004 wherein the actual dates of promotions of the petitioners as well as their junior DP candidates have already been corrected."

11. The above submission made by the learned counsel for the respondents could not be rebutted by the learned counsel for the petitioners.

12. In view of the above, we fail to understand the purport of the present petition. The petitioners were claiming that certain officers junior to them had been promoted as STS from the year 1998 and, therefore, the petitioners should also be granted the STS from the said year. Once the STS granted to those officers had been recalled, no such benefit survived in favour of those junior officers.



13. The learned counsel for the petitioners now contends that, since the petitioners were granted promotion to the STS in the year 2002 and 2003 and regular promotion in the year 2004, the service rendered by them on an ad-hoc basis should also be counted.

14. The said prayer made by the petitioners is, however, beyond the scope of the present writ petition, and as such, we decline to consider it on its merits. In case the petitioners have any such case, it is open to the petitioners to claim the same in appropriate proceedings and in accordance with the law. The question of limitation shall also be considered in those proceedings.

15. The learned counsel for the petitioners further submits that the juniors, who were earlier granted STS with effect from 1998, and whose promotions were later cancelled by the respondents due to the revision of the seniority list, have still retained the benefit of STS during the *interregnum* period. He submits that, therefore, the same benefit should be extended to the petitioners. This claim of the petitioners is also beyond the scope of the present writ petition. Consequently, we decline to entertain the present prayer for the said period.

16. For the reasons stated hereinabove, we find no merit in the present petition. The same is accordingly dismissed. There shall be no orders as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 29, 2025/Arya/hs