

(2020) 07 CAT CK 0009

In the Central Administrative Tribunal

Case No : Original Application No. 100, 0815 Of 2020

Alka Sharma

APPELLANT

Vs

North Delhi Municipal Corporation & Others

RESPONDENT

Date of Decision : 06-07-2020

Acts Referred:

Citation : (2020) 07 CAT CK 0009

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Ajesh Luthra, R.V.Sinha

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant was initially appointed as Labour Welfare Superintendent (LWS) in the Municipal Corporation of Delhi (MCD), in the year 1986. Thereafter, she was promoted to the post of Assistant Labour Welfare Officer on ad hoc basis in the year 1991. It is stated that her regular promotion to the post of Assistant Labour Welfare Officer has taken place only in compliance with the directions issued by this Tribunal in an OA filed by her. Thereafter, the applicant approached this Tribunal by filing OA No.1674/2011 seeking direction for promotion to the post of Assistant Commissioner on regular basis against an existing vacancy. She is said to have been promoted on 07.07.2015 accordingly. As of now, she is holding the post of Assistant Commissioner in substantive capacity.

2. The applicant contends that she has been kept in charge of the posts of Deputy Commissioner and Additional Deputy Commissioner from time to time, either on incharge or look after charge basis etc. Her grievance is that though she holds the qualifications and fulfils the conditions prescribed for promotion to the posts Additional Deputy Commissioner, Deputy Commissioner and Additional Commissioner, her case is not being considered. This OA is filed with a prayer to direct the respondents to consider her case for promotion to those posts.

3. We heard Shri Ajesh Luthra, learned counsel for the applicant and Shri R. V. Sinha, learned standing counsel for the respondents, who took notice at the stage of admission.

4. The applicant was initially appointed as LWS in the MCD, and as of now she is holding the substantive post of Assistant Commissioner. The further avenues in the hierarchy are; Additional Deputy Commissioner, Deputy Commissioner and Additional Commissioner. The applicant asserts that she is kept in charge of almost all these posts over the period.

5. The question as to whether the applicant fulfils the conditions and holds the qualification for promotion to the posts, referred to hereinabove, and whether there exists any vacancy, needs to be examined. In case the applicant holds the qualification and fulfils the conditions, and there exists any vacancy, her case certainly deserves to be considered. If, on the other hand, there exists any reason for denying such promotion to the applicant, the same needs to be communicated to her, so that she can pursue the remedies. She is said to have made repeated representations in this behalf. We are of the view that a fresh representation in this behalf can be made and the respondents, in turn, can be required to act upon it.

6. We, therefore, dispose of the OA at the admission stage itself by directing that;

(a) It shall be open to the applicant to make a representation to respondent No.1 within four weeks from today ventilating her grievance; and

(b) On receipt of the representation, Respondent No.1 shall take steps on the same.

(c) In case, the applicant is eligible to be promoted and there exists a vacancy, necessary steps in that behalf shall be taken.

(d) If, on the other hand, there exists any reason for not promoting the applicant as of now, the same shall be communicated to her.

This exercise shall be completed within a period of six weeks from the date of receipt of the representation. There shall be no order as to costs.