
(1999) 12 DEL CK 0034
In the Delhi High Court
Case No : C.W.P. No. 4772 of 1998

H.R. Ahuja

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 24-12-1999

Acts Referred:

Citation : (2000) 2 AD 412

Hon'ble Judges : A.K. Sikri, J

Bench : Single Bench

Advocate : Mr. R.L. Dhawan, for the Appellant; Mr. B.K. Sood, for the Respondent

Judgement

A.K. Sikri, J.—Petitioner is working as Deputy Director under Administration & Finance Group and he was promoted to this post No. 30.3.1993. He claims that after putting 5 years of service as Deputy Director, he has become eligible to be considered for the post of Director (Administration) but he is not considered for this post in view of the fact that one Shri C. S. Sen who belongs to TSS Group was promoted as Director (Admn) on ad-hoc basis and he has filed Writ Petition No.3644 of 1996 seeking regularization to the post of Director (Admn.) in which status quo order has been maintained. Since the result of this petition depended on out come of Civil Writ Petition No.3644/96 filed by Shri C.S. Sen, both these petitions were heard together. By separate judgment in Civil No. 3644/96 pronounced today I have held that Shri C.S. Sen is not eligible to be considered for the post of Director (Admn.) and dismissed the Civil Writ Petition No.3644/96. Resultantly, bids would be free to make appointment to the post of Director (Admn) on adhoc basis, as per the relevant Regulations and petitioner being eligible for the said post would also be considered for the post. Although petitioner has sought the direction that he should be promoted to the post of Director (Admn.) such a direction cannot be given in as much as petitioner is entitled to be considered for the post and court cannot direct the promotion of the petitioner which is the managerial function. This writ petition is accordingly disposed of with the direction to the respondent BIS to consider the candidature

of the petitioner as well, Along with other eligible candidates, if any, while making selection to the post of Director (Admn). No order as to costs.