

Krishan Kumar Vs. Uoi and ors

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Court : Delhi

Decided On : Dec-04-2012

Judge : Gita Mittal

Appellant : Krishan Kumar

Respondent : Uoi and ors

Advocate for Def. : Mr. Ankur Chhibber

Advocate for Pet/Ap. : Mr. Keshav Kaushik

Judgement :

10 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 8992/2011 Date of decision:

4. h December, 2012 % KRISHAN KUMAR Through : Petitioner Mr. Keshav Kaushik, Adv. versus UOI AND ORS Through : Respondents Mr. Ankur Chhibber, Adv. CORAM: HON'BLE MS. JUSTICE GITA MITTAL HON'BLE MR. JUSTICE J.R. MIDHA GITA MITTAL, J.

(Oral) 1. The petitioner who was serving as a Junior Engineer with the Border Roads Organization filed the present writ petition seeking the following prayers. (a) Promotion to the post of Assistant Engineer (Civil) along with all the consequential benefits including the monetary benefit (MACP) to which the petitioner is entitled thereto. (b) Promotion to the post of Assistant Engineer (Civil) prior to the persons junior to the petitioner have been promoted (respondent nos.5 to

17) along with all the consequential benefits including the monetary benefits (MACP Scheme benefits). (c) Award the cost and expense of the present application in favour of the applicant and against the respondents.

2. During the pendency of the writ petition, the respondents had examined the claim of the petitioner and granted him promotion to the post of Assistant Engineer. An oral submission was made by the petitioner with regard to posting on the Bhutan Compensatory Allowance. The same also appears to have been considered and the following communication dated 15 th November, 2012 has been sent by the respondents to their counsel:xxx 2. In this connection the following are intimated: (a) MACP in respect of petitioner was approved by competent authority on 31 Aug 2012 and further order for grant of MACP have been issued by GREF Records to Project Vartak (125 RCC/763 TF (P) Vartak) vide their letter No.2056/MACP/Vol-212/41/FA2 dated 10 Sep 2012. (b) With respect to posting to BCA, it is intimated that individual was posted to BCA by GREF Records vide their Posting Order No.0249/BCA/MCA (IN)/Coord/FA5 dated 26 Nov 2010 when he was JE (Civ) due to alleged involvement in disciplinary cases. Individual was promoted to the post of AE (Civ) vide Sectt BRDB order not BRDB/04/2117/2011-12/GE-I dated 18 Jun 2012 with effect from the date of his immediate junior named Satheesh Kumar R Supdt BR1 who was promoted to AE (Civ). He was further posted to 125 RCC/763 TF/(P) Vtk vide Dte PCPO No. 056/2012 dated 19 Jun 2012. (c) On being promoted to the rank of AE, the indivls name will be considered in separate panel which is made for officers, based on the vacancy position in a foreign Project and if the individual meets the criteria and get selected, will be posted. (d) Posting to BCA is purely on merit basis and as and when petitioner becomes eligible, will be considered.

3. This is for your information please. -sd(Tapas Das) Jt Dir (Legal) For DGBR 3 In view of the above, the relief sought by the petitioner has been satisfied. The respondents are considering the petitioners entitlement for proceeding to Bhutan Compensatory Allowance in accordance with the prescribed procedure. No further orders are called for in the present writ petition which is accordingly disposed of. GITA MITTAL, J J.R. MIDHA, J DECEMBER 04 2012 aj