



2025:DHC:3931-DB



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Date of decision: 16.05.2025*

+ W.P.(C) 6567/2025

MUNICIPAL CORPORATION OF DELHI .....Petitioner

Through: Dr. Divya Swamy, Standing  
Counsel, MCD.

versus

ROOP CHAND .....Respondent

Through: *None.*

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (Oral)**

**CM APPL. 29777/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**CM APPL. 29778/2025 (Exemption)**

2. Allowed, subject to all just exceptions.

**W.P.(C) 6567/2025 & CM APPL. 29776/2025 (stay)**

3. This petition has been filed by the petitioner, challenging the Order dated 23.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 1848/2023, titled ***Roop Chand v. The Commissioner, Municipal Corporation of Delhi and Ors.***, whereby the learned Tribunal allowed the said O.A. filed by the respondent herein, with the following direction:-

*"17. Accordingly with the balance of convenience clearly in favour of the applicant and the instant OA having merit, the OA is allowed. We hold that the applicant has*



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*been wrongly assigned empanelment year 2018 for promotion to the post of Executive Engineer (Electrical) whereas he is entitled to early vacancy years i.e., 2012-13/2013-14. We, therefore, direct the respondents to hold a review DPC and assign appropriate vacancy year for purposes of regular promotion to the post of Executive Engineer (Electrical) and modify the order dated 11.04.2023. There shall however be no order as to costs.”*

4. To give a brief background of the facts on which the present petition arises, the respondent was initially appointed as Junior Engineer (Electrical) in the Petitioner Corporation on 29.12.2000. He was promoted from ad-hoc to regular basis as Assistant Engineer (Electrical) *vide* Office Order dated 15.10.2007. A seniority list of Assistant Engineers in the Pay Band of Rs. 9,300/--34,800/- with Grade Pay of Rs.4,600/- was prepared, wherein the respondent was granted seniority at Serial No. 38. The respondent obtained a degree in Electrical Engineering from the Jamia Millia Islamia University on 22.05.2012. He was later promoted to the post of Executive Engineer (Electrical) on an ad-hoc basis on 20.09.2013. He filed the above O.A. claiming that he had been wrongly assigned the empanelment year 2018 for promotion to the post of Executive Engineer (Electrical), whereas he was entitled to be considered for the vacancy years 2012-2013 and 2013-2014.

5. As noted herein above, the learned Tribunal allowed the O.A. by holding that the respondent was entitled to be assigned the vacancy year of 2012-2013 and 2013-2014, and directed the petitioner herein to hold a review Departmental Promotion Committee (hereinafter



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referred to as 'DPC'), assigning him the appropriate vacancy year for the purposes of regular promotion to the post of Executive Engineer (Electrical).

6. The learned counsel for the petitioner submits that the learned Tribunal, in allowing the above O.A., has wrongly interpreted paragraph 11 of the Recruitment Rules (RRs) for the post of Executive Engineer (Electrical), framed *vide* Notification No. F.2(277)/73-LSG dated 24.08.1974 by the Delhi Administration, Delhi (Local Self Govt. Department), which reads as under:-

*“11. In case of recruitment by :  
Promotion /deputation/transfer  
grades from which promotion/  
deputation/transfer to be made.*

**Promotion.** :-  
*Assistant Engineer (Electrical)  
with 5 years service in the grade  
in the case of those possessing  
degree in Electrical Engineering  
and 10 year service in the grade  
in the case of those possessing a  
diploma in Electrical  
Engineering.*

7. The learned counsel for the petitioner submits that for promotion to the post of Executive Engineer (Electrical), the five-year service in the grade of Assistant Engineer (Electrical) has to be counted only after the candidate obtains the degree, and that a degree obtained subsequent to the appointment to the post of Assistant Engineer does not have the retrospective effect of validating the service rendered earlier by such candidates as Assistant Engineer (Electrical) for being counted for purposes of determining the eligibility of such candidate for promotion to the post of the Executive Engineer. She submits that the learned Tribunal has erred in placing



