



2025:DHC:5724-DB



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

Date of decision: 17.07.2025

+ W.P.(C) 15985/2024 & CM APPL. 67154/2024
GOVT OF NCT OF DELHI AND ORSPetitioners
Through: Mrs.Avnish Ahlawat, SC,
Mr.N.K. Singh, Ms.Aliza Alam,
Mr.Mohnish Sehrawat,
Mr.Amitoj Chadha, Advs.

versus

RAM PAL SOLANKIRespondent
Through: Mr.Pradeep Kumar,
Ms.Sanskriti, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 11.04.2023 passed by the learned Central Administrative Tribunal, Principle Bench, New Delhi (hereinafter referred to as the 'Tribunal') in OA 2904/2017, titled ***Ram Pal Solanki, Driver, Group C v. Govt. of NCT of Delhi & Ors.***, allowing the said OA filed by the respondent herein, with the following directions:

“10. In view of the aforesaid guidelines issued by the Government of India, the applicant is entitled for Third Financial Upgradation under MACP Scheme promotion. He has approached this Tribunal after five years on rejection given by the respondents vide impugned order dated 14.07.2017. Hence, we



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hereby set aside the rejection order dated 14.07.2017 and direct the respondent to consider the case of the applicant for grant of Third Financial Upgradation w.e.f. the year 2012, on Actual notional basis, within a period of three months from the date of receipt of a certified copy of this Order."

2. To give a brief background of the facts in which the present petition arises, the respondent was initially appointed as a Group-D Employee on 26.11.1985. He was then appointed to the post of Driver *vide* Order dated 30.12.1987, which the petitioners claim to be a promotion while the respondent claims to be a direct recruit. There is no dispute that later the respondent was granted a Financial Upgradation on promotion to the post of Staff Car Driver, Group-II, on 29.12.1996. He was given another promotion as Driver, Grade-I on 29.12.2002. The respondent was then nominated for the grant of 3rd MACP *vide* Order dated 29.12.2012. However, the same was withdrawn as the respondent was treated to have been promoted to the post of Driver. Challenging the same, the respondent had filed the above OA.

3. The learned Tribunal allowed the OA *inter alia* placing reliance on the DOPT OM dated 30.07.2010, wherein the following clarification was given:

19.	<i>Whether the placement of erstwhile Gr. D employees as Staff Car Driver, ordinary grade, would count as a</i>	<i>No. The model RRs for Staff Car Drivers provide deputation/absorption as a method of appointment for erstwhile Gr. D employees. The placement as staff car Driver is not in the hierarchy hence the same would not be counted as</i>
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	<i>promotion?</i>	<i>promotion under MACPS. The regular service for the MACPS would be from the date of appointment as Staff Car Driver.</i>
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4. The learned Tribunal on the basis of the above, held that the appointment of the respondent to the post of Driver cannot be treated as promotion.

5. The learned counsel for the petitioners has drawn our attention to the Office Order dated 12.01.1988 which states, among other officers, the respondent has been ‘promoted’ to the post of Driver. She submits that, therefore, the learned Tribunal has erred in treating the appointment of the respondent as a direct recruitment.

6. Though the above Office Order may give an impression that the appointment of the respondent to the post of Driver is to be treated as a ‘promotion’, the DOPT OM dated 30.07.2010 relied upon by the learned Tribunal clearly states that the same has to be treated as direct recruitment; the method of the recruitment to the post of Driver being deputation/absorption.

7. We may herein also note that the learned counsel for the respondent has submitted that relying on the Order Impugned in the present petition, the learned Tribunal had disposed of another OA, being OA No. 2880/2017, titled **Krishan Murari vs. Govt. of NCTD**, vide an Order dated 30.05.2023, and that the petitioners have already complied with the said Order and granted MACP benefit to the officers concerned therein, treating their appointment to the post of Driver as a direct recruitment.



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8. Keeping in view the above, we find no merits in the present petition. The same along with the pending application, is accordingly dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 17, 2025/Arya/ik