



**DELHI DEVELOPMENT AUTHORITY  
(CONFIDENTIAL BRANCH)**

E.O. No. 03

Dated : 02/01/2023

**OFFICE ORDER**

The Hon'ble High Court of Delhi vide orders dated 30.09.2019 has disposed of the WP(C) No.8469/2009 titled Ashwani Khullar vs. DDA & Ors., WP(C) No.8479/2009 titled Ambuj Sood Vs. DDA & Ors., WP(C) No.13931/2018 titled Shri Kanwal Kumar Vs. Union of India and Ors., CM Appl. No.54517/2018, 27092/2019, 31896/2019 & Review Petition No.331/2019.

The Court has set aside the orders passed by Hon'ble CAT in Ashwani Khullar and Kanwal Kumar case and has passed the following orders:-

...67. *The Court finds that in the present case also, the contention of the Respondents that once they become eligible, they should be considered senior to the present Petitioners, cannot be sustained. Whatever may have been the reasons for introducing the note, the ultimate wording of the note is what has to be interpreted. The note only determines the eligibility criteria and does not suggest that those eligible earlier will be senior to those eligible later, if both have crossed the stage of eligibility and have come into a common stream. The Court is, therefore, inclined to accept the case of the Petitioners that their case is squarely covered by the above decision in R.B. Desai (supra).*

68. *The decision in R.B. Desai (supra) also acknowledges that eligibility and seniority are two different concepts. This was highlighted by the Supreme Court in its subsequent decision in Palure Bhaskar Rao vs. P. Ramaseshaiah (2017) 5 SCC 783 where in paragraph 16, it was held as under:*

*16. Seniority and eligibility are also distinct concepts. As far as promotion or recruitment by transfer to a higher category or different service is concerned if the method of promotion is seniority-cum-merit or seniority per se, there is no question of eligible senior being superseded. Other things being equal, senior automatically gets promoted. But in the case of selection based on merit-cum-seniority, it is a settled principle that seniority has to give way to merit. Only if merit being equal senior will get the promotion.*

*70. For all of the aforementioned reasons, this Court is unable to sustain the impugned judgement of the CAT in Ashwani Khullar and hereby sets it aside. Consequently, the decision of the CAT in the case Kanwal Kumar, which follows its own decision in Ashwani Khullar is also hereby set aside.*

*71. This judgement, however, will not prevent the DDA in further amending the RRs for future promotions to make it clear that those who complete the eligibility criteria earlier would be senior to those who meet the eligibility criteria later. However, with the note standing as it does at present, the Court is of the view that the interpretation placed by the CAT was incorrect."*

2. The SLPs(C) bearing Nos.26494/2019 and 1762/2020 in the Hon'ble Supreme Court of India have also been filed by Sh. Ashok Kumar and Smt. Nidhi Tyagi respectively against the orders dated 30.09.2019 of Hon'ble High Court. This matter is still pending and no direction has been received from the Hon'ble Supreme Court of India. Therefore, the review of promotions to the post of Dy. Director (Planning) are further subject to the outcome of the decision of Hon'ble Supreme Court of India.

3. The Vice Chairman, DDA being the competent authority, is pleased to promote the following Assistant Directors (Planning) to the post of Dy Director (Planning) in the Level-11 of Pay Matrix as per 7th CPC [Pre revised PB-3 of Rs.15600-39100 with Grade Pay of Rs.6600/- (as per 6th CPC)] on the recommendations of the Review Departmental Promotion Committee (DPC) and on the basis of the directions issued by the Hon'ble High Court vide order dated 30.09.2019 with effect from the revised date of promotion shown against each in column-4. The revised promotions made hereinafter are in supersession of earlier promotion orders mentioned against each in column-3:-

  
02/01/23

Cont...2/

S.No./ Sty. No. as AD(Plg.)	Name of the officers S/Shri	Earlier promotion vide E.O. No. & date	Revised Date of promotion after review DPC as per orders of Hon. High Court	Place of posting/ Retired
(1)	(2)	(3)	(4)	(5)
1/14	Chandu Bhutia	1185 dated 01.09.2005	01.09.2005	Retd. as Addl. Commr. (Plg.) II-
2/15	K. Srirangan	1185 dated 01.09.2005	01.09.2005	Commissioner (Plg.)-II
3/19	Trilochan Singh	1233 dated 31.08.2006	01.09.2005	Retd. as DD (Plg.)
4/20	K.K. Marwah	1314 dated 13.09.2006	01.09.2005	Retd. as DD (Plg.)
5/21	Anju Aggarwal	81 dated 10.01.2008	31.08.2006	DD (Plg.)- VRS
6/22	K.M.Saxena	1233 dated 31.08.2006	31.08.2006	Retd. as DD (Plg.)
7/25	Manju Paul	1185 dated 01.09.2005	31.08.2006	Addl. Commr. (Plg.)-I
8/27	Hitender Kumar Bharti	1233 dated 31.08.2006	10.01.2008	Addl. Commr. (Plg.) Projects
9/31	Anand Prakash	229 dated 28.01.2008	10.01.2008	Retd. as DD (Plg.)
10/32	Rajesh Kumar Jain	81 dated 10.01.2008	28.01.2008	Retd. as Dir. (Plg.)
11/34	Manjit Bhalla	229 dated 28.01.2008	28.01.2008	Retd. as DD (Plg.)
12/37	P.C. Soni	744 dated 20.03.2009	20.03.2009	Retd. as DD (Plg.)
13/41	N.R. Arvind	267 dated 27.01.2009	20.03.2009	Addl. Commr. (Plg.)- Land Pooling
14/54	Manish Kumar Verma	166 dated 31.01.2012	31.01.2012	Addl. Commr. (Plg.)
15/56	Rita Grover	166 dated 31.01.2012	31.01.2012	Dir (Plg.)- Zone A,B,C and G
16/38	Karamjit Singh	597 dated 27.04.2012	27.04.2012	Retd. as DD (Plg.)
17/58	Sudhir Kumar Kain	597 dated 27.04.2012	27.04.2012	Dir. (Plg.)- GIS Unit, Survey & Zone D
18/43	Kanwaljit Seth	960 dated 03.07.2014	03.07.2014	Retd. as DD (Plg.)
19/49	D. K. Nagar	571 dated 08.05.2015	08.05.2015	Retd. as DD (Plg.)
20/51	Satinder Pal Kaur	837 dated 17.06.2016	08.05.2015	Retd. as DD (Plg.)
21/65	Vikas Verma	571 dated 08.05.2015	08.05.2015	Dir. (Plg.)- Rohini Project
22/67	Kakoli Maiti	571 dated 08.05.2015	08.05.2015	Dir. (Plg.)- Zone E & O
23/68	Uttam Gupta	571 dated 08.05.2015	08.05.2015	Dir. (Plg.)- UTTIPEC
24/69	Ajay Kumar Saroj	571 dated 08.05.2015	08.05.2015	Dir. (Bldg.)
25/71	Alka Arya	571 dated 08.05.2015	08.05.2015	Dir. (Plg.)- Zone F & NCRPB
26/52	Ashok Kumar Malhotra	761 dated 26.05.2017	16.03.2016	Retd. as DD(Plg.)

*Handwritten signature and date: 21/11/23*

27/53	Pradeep Chaturvedi	386 dated 16.03.2016	16.03.2016	Retd. as DD (Plg.)
28/70	Meenakshi Singh	837 dated 17.06.2016	17.06.2016	Director (Plg.)
29/75	Meena Vidhani	761 dated 26.05.2017	26.05.2017	Director (Plg.)
30/76	Shikha Bhargava	761 dated 26.05.2017	26.05.2017	Director (Plg.)
31/77	Neetu Randhawa	761 dated 26.05.2017	26.05.2017	Director (Plg.)
32/78	Sakshi Walia	761 dated 26.05.2017	26.05.2017	Director (Plg.)
33/79	Banoth Jeevan Babu	761 dated 26.05.2017	26.05.2017	Director (Plg.)
34/80	Ashwani Kumar	761 dated 26.05.2017	26.05.2017	Director (Plg.)
35/81	Alok Kumar Mahakul	761 dated 26.05.2017	26.05.2017	DD (Plg.)- Zone H & Rohini, Land Pooling K-I & L
36/82	Gambhir Singh	1009 dated 26.07.2018	26.07.2018	DD (Plg.)- UTTIPEC

4. All the Dy. Directors (Plg.) for whom the revised date of promotion (Col.4) is earlier to their date of original promotion as mentioned in Column-3 above, shall be treated to be promoted on notional basis for the intervening period. However, benefit of notional pay fixation will not be available to them.

5. Further, the qualifying service of the above officers as Dy. Director (Planning) for promotion to the post of Director (Planning) will be reckoned from the date of revised date of promotion after Review DPC as per column-4 above.

6. The competent authority is further pleased to order that no arrear or recovery of pay and allowances shall be made on account of these revised promotion orders.

7. The above promotion orders are further subject to the final outcome of the decision of Hon'ble Supreme Court of India in SLP(C) bearing No.026494/2019 titled Ashok Kumar Vs Kanwal Kumar and Ors. and SLP(C) No.001762/2020 titled Nidhi Tyagi Vs Kanwal Kumar and Ors.

  
(Vineet Jain) 02/01/23

Commissioner (Pers.)

No.F.10(52)2022/CC/04

Dated: 02/01/2023

Copy to:

1. OSD to Vice Chairman, DDA
2. PS to Engineer Member, DDA
3. PS to Chief Vigilance Officer, DDA
4. PS to Pr. Commissioner (Personnel), DDA
5. PS to Chief Legal Adviser, DDA
6. Commissioner (Plg.)-I, II, DDA
7. Commissioner (Pers), DDA
8. Chief Accounts Officer, DDA
9. Chief Engineer (QAC), DDA
10. All Addl. Commr. (Plg.), DDA
11. All Directors (Planning),(Plg. Coordn.) DDA
12. Director - (Pers.)-I & II, DDA
13. Dy. Director (P)-I / PMIS for uploading at DDA website.
14. Asstt. Director(P)-I with the request to circulate it to the retirees at their address available in the record / (CR)-II/PMIS, Hindi Officer for hindi version
15. Concerned officials
16. Sr. A.O. (Estt.)Plg. and all concerned D.D.Os., DDA
17. E.O. Book, Guard File



(Parmod Kumar)  
Dy. Director (CR)