

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT (III)
B WING, 5TH LEVEL, DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI 110002.

F.3 (6)/ 2003/S.III /120-127

ORDER No. 05

Date: 25/01/2024

Sh. Chetan Swaroop, Stenographer Gr. III was appointed as Grade III Stenographer w.e.f. 13.01.1987 and promoted to the post of Personal Assistant w.e.f. 01.10.2003 on regular basis vide order dated 19.01.2006.

However, Sh. Chetan Swaroop, Stenographer Gr. III refused his promotion stating that he had submitted his consent for promotion only to the post of Gr.II of Delhi Admn Subordinate Service and not in his own Cadre of Stenographers. Therefore, his promotion order dated 19.01.2006 was cancelled vide order dated 01.05.06.

Sh. Chetan Swaroop, Stenographer Gr.III along with some other Stenographer filed a case before the Hon'ble CAT with the prayer to promote him to the post of Gr.II of Delhi Administration Subordinate Service and not in his own Cadre of Stenographers. Hon'ble Central Administrative Tribunal by way of a single order dated 2.1.2008, disposed off all the aforesaid OAs, stating that facts in all the cases and points of law involved are identical. The respondents were directed to consider the cases of the applicants for promotion to Grade II/DASS at the time when they became eligible for such promotion holding a fresh review DPC.

Thereafter, Services Department, Govt. of NCT of Delhi filed a case before Hon'ble High Court of Delhi challenging the above order dated 02.01.2008 of Hon'ble Central Administrative Tribunal with the following prayer:

"To quash/set-aside the impugned judgment dated 02.01.2008 passed by the learned CAT, Principal Bench in OA No. 1167/2007 – Sh. Chetan Swaroop Vs. GNCTD and pass such other and further order which Hon'ble Court may deem fit as the process to de-link Gr.-III Stenographer from the feeder line for promotion to Gr-II (DASS) was initiated in 2002-03, which culminated in the Notification 07.06.2007. "

Hon'ble High Court, Delhi vide its order dated 24.11.2010 decided the matter. The operative part of the aforesaid order dated 24.11.2010 reads as under:

"But, we would be failing if we do not redress a grievance of the respondents who claim that they had foregone promotions to the post of Stenographer Grade II as they had submitted options for promotion in DASS Grade II Ministerial. In the absence of any proof that any persons junior to the applicants before the Tribunal working as Stenographer Grade III have been promoted to the post of Stenographer Grade II, but should this have happened, a direction needs to be issued that the Government would remedy the same by convening review DPCs to consider the promotion of the applicants to the post of Stenographer Grade II and for which they would be entitled to benefits with effect from the date persons junior to them were promoted including notional seniority and pay fixation in the grade applicable, except actual wages. Order accordingly."

Sh. Chetan Swaroop, Stenographer Gr.III filed a SLP No. 1187 of 2012 before the Hon'ble Supreme Court of India with following prayers:

"The Juniors of the petitioners are getting promotions over the petitioners by taking advantage of the order of Court below. In case the interim relief is not granted, his much juniors of the petitioners would become their immediate boss."

Hon'ble Supreme Court of India vide its judgement his order dated 08.11.2023 has issued the following order:

"Having heard learned counsel appearing on behalf of the parties at a considerable length, we do not find any reason or grounds to interfere with the impugned order passed by the High Court. Accordingly, the civil appeal is dismissed."



However, as assured by the learned counsel for the respondent, order of the High Court shall be implemented in its true sense and spirit within a month, failing which, the appellant will be at liberty to take recourse as permissible in law."

Now, as per the directions of Hon'ble Supreme Court of India, the Chief Secretary, Delhi, is pleased to order promotion of Sh. Chetan Swaroop, Stenographer Gr.III to the post of Personal Assistant/ Stenographer Grade-II (Non-Gazetted-Non-Ministerial-Group B) on regular basis in the pay matrix level of Rs.44900-142400 [i.e. revised scale of Rs.9300-34800 plus Grade Pay of Rs.4600/-], as detailed below, with effect from 01.10.2003 (notionally):-

Sl. No.	Snty. No.	Name of the official	DOB	Cat.	Present Deptt.
1	1225	Sh. Chetan Swaroop	27.04.68	UR	DCO

Consequent upon his promotion, Sh. Chetan Swaroop, PA is hereby transferred and posted in Dte. of Education.

The above mentioned official may exercise his option with regard to fixation of pay, if any, as per FR-22 within one month of issue of this order.

However, Sh. Chetan Swaroop will not be entitled to the payment of pay and allowances for the period for which he has not actually worked as Personal Assistant. The benefits will be admissible with effect from the actual date of his joining to the post of Personal Assistant. He will avail benefits of promotion on his joining duty in the department in which he has been posted on promotion to the post of Personal Assistant.


(BHAIRAB DUTT)
DEPUTY SECRETARY (SERVICES)

F.3 (3)/1/2021/S.III/ 120-127

Dated: 25/01/2024

Copy forwarded to the following for information & necessary action:

1. S.O to Chief Secretary, Delhi, GNCT Delhi.
2. All the concerned Head of Departments, GNCTD.
3. P.S. to Pr. Secretary (Services), Services Department, GNCT Delhi.
4. P.As. to Spl. Secretary/Dy. Secretary (Services), Services Department, GNCT Delhi.
5. PAO concerned through concerned HOD.
6. S.O. (Co-ord.), Service Deptt., GNCTD with the request to upload the Order to the official website.
7. Officials concerned through concerned Head of Department.
8. Guard File/Register.


(BHAIRAB DUTT)
DEPUTY SECRETARY (SERVICES)