



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

6<sup>th</sup> floor, 'B' Wing, Loknayak Bhawan  
Khan Market, New Delhi-110 003.

3140

File No. RCM/1/2019/STGDH/SEPROM/RU-I

Dated: 11/12/2019

To,

1. The Commissioner,  
North Delhi Municipal Corporation,  
Dr. S.P. Mukherjee Civic Centre,  
J.N. Marg,  
New Delhi-110002
2. The Secretary,  
UPSC,  
Shahjahan Road,  
New Delhi-110011

Sub: Representation dated 21.01.2019 of President, M.C.D (General Wing) SC/ST Engineers Association, E-3, MCD Flats Bhamasha Market, Kamla Nagar, Delhi regarding promotion to the post of Executive Engineer (Civil) in Municipal Corporations of Delhi against the vacancies of year 1997-98 to 2007-08 for which held on July- August- 2008 and Review -DPC held on 2015

Sir,

I am directed to refer to the subject cited above and to enclosed copy of minutes of Sitting held in the National Commission for Scheduled Tribes on 19/11/2019 at 12:15 P.M under the Chairmanship of Shri H.C Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the sitting may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

(Rajeshwar Kumar)

Assistant Director

Tel: 011-24641640.

Copy to:

Shri N.C. Meena,  
Executive Member,  
M.C.D (General Wing) SC/ST Engineers Association,  
R/o E-3, MCD Flats Bhamasha Market,  
Kamla Nagar, Delhi- 110007  
(Mob: 9717791260)

Copy for information to:

1. PS to Hon'ble Member (HCV), NCST
2. NIC (please upload on the Commission's website and also send the e-mail to concerned)

**Government of India**  
**National Commission for Scheduled Tribes**

**MINUTES OF SITTING HELD IN THE NCST'S HEADQUARTERS ON 19/11/2019 AT 12:15 PM UNDER THE CHAIRMANSHIP OF SHRI H.C. VASAVA, HON'BLE MEMBER, NCST IN THE CASE OF PRESIDENT, M.C.D (GENERAL WING) SC/ST ENGINEERS ASSOCIATION, E-3, MCD FLATS BHAMASHA MARKET, KAMLA NAGAR, DELHI REGARDING PROMOTION TO THE POST OF EXECUTIVE ENGINEER (CIVIL) IN MUNICIPAL CORPORATIONS OF DELHI AGAINST THE VACANCIES OF YEAR 1997-98 TO 2007-08 FOR WHICH DPC HELD ON JULY-AUGUST- 2008 AND REVIEW -DPC HELD ON 2015.**

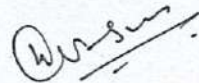
(F. No. RCM/1/2019/STGDH/SEPROM/RU-I)

List of participants is at Annexure-I.

2. The President, M.C.D (General Wing) SC/ST Engineers Association, Delhi vide representation dated 21.1.2019 has alleged regarding promotion to the post of Executive Engineer (civil) in Municipal Corporations of Delhi against the vacancies of year 1997-98 to 2007-08 for which DPC held on July- August- 2008 and Review -DPC held on 2015 and requested to enquire the issue for justice. The matter was referred to Commissioner, North DMC for facts and comments vide letter dated 15.3.2019. Further, petitioner had requested that the comments of UPSC will also be required assess the reality. NCST vide letter dated 22.4.2019 had reminded the North DMC and requested the UPSC for facts and comments in the matter. The response was not received from these agencies. Reminder was issued on 13.8.2019.

Further, no reply/ response was received from these agencies. Shri H.C. Vasava , Hon'ble Member, NCST fixed the sitting for 19.11.2019 at 12:15 PM to discuss the matter with Commissioner, North DMC and Secretary, UPSC to resolve the issue. Accordingly, a notice for sitting was issued on 11.11.2019.

3 UPSC vide letter No. 11/30(4)/2019-AP-1 dated 19.11.2019 had deputed Joint Secretary (Appointments) along with other Sr. Officers to attend the sitting and also furnish the brief note on the background of the case and comments on the issue raised in the representation of the petitioner(s) . The Commissioner, North DMC vide letter No. AC/CED/NDMC/2019/2142 dated 19.11.2019 informed that she will be appearing on 19.11.2019 before Hon'ble NGT along with Chief Secretary, GNCTD. Hence, she will not be able to attend the sitting. The Assistant Commissioner (Estt) will attend the sitting.



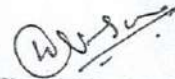
श्री H.C. वासवा/Harehadibhai Vasava  
सदस्य/Member  
राष्ट्रीय आयोग अनुसूचित जातों के लिए  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

4 In the sitting held on 19.11.2019 above mentioned officers from UPSC and North DMC and petitioner (s) were present. The Hon'ble Member asked the petitioner(s) to explain the grievance and problems. The petitioner reiterated issues raised in their representation dated 21.1.2019 and requested for conducting R-DPCs for the post of Executive Engineer for the vacancy year 1997-98 to 2007-08 as no ST candidate have been considered against five vacant post of ST category, whereas eligible ST candidate were available. It was contended that the direction were given by Hon'ble CAT in OA No. 2605/2009 to conduct DPC by preparing separate zone of consideration, but same is not yet complied.

Further, it was contended that as per decision dated 28.4.2004 of Hon'ble High Court in WP (C) No. 5985/2002 titled N.C. Meena and Ors. Vs. MCD and Ors. Shri N.C. Meena was eligible for the post of Executive Engineer (Civi) w.e.f 12.7.2000 and the same has been admitted by UPSC as per its letter dated 18.11.2013 addressed to the North DMC. According, to the above orders the name of Shri N.C Meena was sent to UPSC for R-DPC in proposal which was received on 09.5.2013 but R-DPC not yet conducted.

Shri R.C. Meena, President, MCD (General Wing) SC/ST Engineers Association raised that he has joined MCD as AE (Civi) on 01.9.1998 under Direct Recruitment quota and become eligible for the post of Executive Engineer (Civil) for the panel year 2003-04 onwards and his name was sent to UPSC in proposal of R-DPC vide letter No. F.8 (8)/CED (NDMC)/96 Pt-VII/1680 dated 27.4.2015 but R-DPC not yet conducted. It was informed that his junior was promoted to the post of Executive Engineer on 24.11.2006, 04.10.2007 and 15.12.2008 and claim of North DMC that Seniority of AE (Civil) was not existed is false. It was also informed that his name has been kept in "seal cover" in the panel year 2008-09 whereas his name required to be considered in the panel year 2003-04. It was raised by the petitioner(s) that DPC has been conducted on the basis of Sty list dated 17.2.1993 which does not exist as per circular dated 15.2.1999.

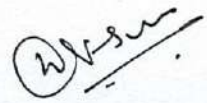
A copy of the letter dated 27.12.2017 addressed to Chief Vigilance Commission, New Delhi regarding "non-compliance order of the Commissioner, North DMC dated 21.12.2014 for reversion of officers by manipulating facts of pecuniary benefits to Executive Engineers-by the officials of Central Establishment Department of North DMC" was also provided to NCST in support of corruption in North DMC which placed at Annexure-II.

  
Hershobhai Vaseva  
Member  
Commission for Scheduled Caste  
Govt. of India  
New Delhi

5 The Hon'ble Member asked the Joint Secretary, UPSC to explain the action taken by the UPSC in the matter. The Joint Secretary, UPSC reiterated the facts and comments submitted by UPSC through its letter dated 19.11.2019 in the sitting itself. It was also appraised that UPSC holds various DPCs strictly in accordance with guidelines/instructions issued by the DoPT from time to time and on the basis of essential inputs such as Seniority List, eligibility list, ACRs/APARs, Vigilance clearance, Penalty statements, etc. of the eligible feeder grade officers submitted by the Ministry/Department concerned. The original DPC meeting held in July-0August 2008 and its subsequent Review DPC meetings held on 30.11.2012, 11.9.2013, 22.8.2014, 11.6.2014 and 17/18.9.2015 for promotion to the post of Executive Engineer (Civil) in Municipal Corporations of Delhi against the vacancies or year 1997-98 to 2007-08 were convened on the basis of information/documents submitted by the North DMC and in accordance with the instructions issued by the DoPT from time to time. However, the North DMC being Cadre Controlling Authority would be in a better position to clarify the issues raised in the representation of the Association rather than UPSC. It was also pointed out that proposal for DPC should come from the concerned Department, before time.

6 The petitioner(s) contended the facts submitted by UPSC and stated that DPC has conducted on the basis of ST list of dated 17.2.1993 which does not exist, on the basis of fake certificate of Liaison Officer, without roaster, without notified RR, without notification of vacancies, without considering the eligible candidates of ST category, on the basis of tempered proposal and by increasing the No. of vacancies. The twelve vacancies were created in the year 1998-99 were considered for 1997-98.

7 The Hon'ble Member asked the Assistant Commissioner, (Estt) of North DMC to explain the facts and comments of North DMC in the matter. The North DMC has provided letter No. F.13(328)/CED/2008/Part13/2019/2153 dated 19.11.2019 in the sitting, which contains the facts and comments of North DMC in the matter. In this letter, it has been mentioned that Sh. N.C. Meena was appointed as Junior Engineer (Civil). Thereafter, he was promoted to the post of



हरशदभाई वासाव/Harshadhbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नयाँ दिल्ली/New Delhi

Asstt. Engineer (Civil) on regular basis on 15.5.1998. According to revised final seniority list of Asstt. Engineer (Civil) issued by Engg. (HQ), North DMC vide circular dated 10.3.2016, the name of Applicant is mentioned at Sl. No. 145 and Sty. 465. Thereafter, he was promoted to the post of Executive Engineer (Civil) on ad-hoc basis w.e.f 15.12.2008. In the year 2016, DPC to the post of Executive Engineer (Civil) was conducted in which the name of applicant has been considered, however due to pendency of Police Case bearing No. 2325/SIO (P)/Vig./2011, his assessment has been kept in sealed cover, which shall be acted upon when he will be acquitted/exonerate in the case in pursuance of guidelines of DoPT's OM dated 14.9.1992. Though, the official has been acquitted as per the report of Vigilance Department, South DMC. It is also pertinent to mention here that letters were sent to Vigilance Department, South DMC for providing information stay/status of appeal filed by investigating agency, if any. As per latest report of Vigilance Department, SDMC dated 30.5.2019, it has been mentioned that as per report of Nodal Officer, Directorate of Prosecution, Delhi, the acquittal report along with other documents has been forwarded to Ld. Standing Counsel (Criminal), Delhi High Court to file an appeal before the Hon'ble High Court of Delhi vide endorsement No. 2577/DOP/15 dated 02.7.2015. Accordingly, the matter will be processed for opening the sealed cover under the DoPT OM guidelines dated 14.9.1992 and 19.1.2017. It is also mentioned that contents of issue raised in most of the paragraphs of representation of the petitioner(s), are wrong and denied.

8 Petitioner(s) denied the facts submitted by Assistant Commissioner (Estt) of North DMC vide letter dated 19.11.2019 and demanded copy of the same, for submission of counter reply to the Commission for justice. It was informed that Shri N.C. Meena was appointed as a JE (Civil) on 18.9.1989 in the erstwhile Municipal Corporation. He was assigned Current Duty Charge (CDC) as the post Assistant Engineer (Civil) on 13.7.1995 and regularized against the vacancy of 1993 in compliance of Hon'ble High Court order in the matter O.P Mittal Vs. MCD in WP (C) No. 5838 of 1998. Review DPC was convened and his name was considered for panel year 1993. This fact was communicated by North DMC to UPSC vide letter No. F.8(8)/CED/(NDMC)/REV 2008/Pt-2/3110 dated 25.10.2013.

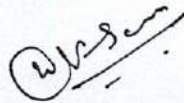


हरशदभाई वसवा/Harshadhbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
सरकार भारत/Govt. of India  
दिल्ली/Delhi

The petitioner, Shri N.C. Meena informed that he was acquitted in the police case bearing No. 2325/SIO(P)/Vig/2011 on 06.2.2015, which was communicated to the CVO North DMC vide letter dated 20.2.2015 the DoPT OM No. 11012/6/2016-Estt.-A-III dated 19.1.2017 clearly provide that "where the recommendation of DPC has been kept in sealed cover solely on account of pendency of criminal case, the sealed cover may be opened in the case of acquittal of the Govt. servant provided it has not been stayed by the Superior Court. There is no stay against acquittal from the Superior Court. Moreover, as per DoPT guidelines dated 10.4.1989 at Para 17.7.1 which provides that "the seal cover required to be reviewed in every six months" and department cannot sit over it for years. This act of North DMC is not only a simple irregularity but a criminal misconduct by the CED officials of North DMC who deliberately involvement in depriving a ST candidate from opportunities, right to work and from standards of living. It was also informed that there was no police case/vigilance inquiry against Shri N.C. Meena but his name has been kept in seal cover illegally in DPC 2008-09 onwards whereas the name of Shri N.C. Meena should be considered for panel year 2000-01 onwards as per directions of Hon'ble High Court.

It was also informed that Shri N.C. Meena was regularized as Assistant Engineer (Civil) against the vacancy of 1993 in compliance of Hon'ble High Court order in the WP (C) No. 5838/1998-O.P. Mittal Vs. MCD, review DPC was convened and his name was considered for panel year 1993 and order was issued on 06.4.2011 and his name is at sty No. 333 in the Sty list issued on 18.7.2011. No direction was given in the case of Ajay Agarwal Vs. MCD for R-DPC of Assistant Engineer (Civil) but North DMC deliberately conducted R-DPC without consideration of reservation and roster and change the Seniority 333 to 465 only to deprive the ST category candidates for their rights. Moreover, Hon'ble CAT cannot overrule the order of Hon'ble High Court in WP (C) No. 5838 of 1998.

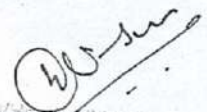
9 Several irregularities were pointed out by the petitioner(s) regarding promotion to the post of Executive Engineer (Civil) and conducting DPC/R-DPCs. The representative UPSC asked the petitioner(s) to provide to complete detail of such deficiencies to the UPSC, so that UPSC can give directions/suggestions to North DMC to rectify the same.

  
महाराष्ट्र सरकार/Mershadbhai Vasave  
जिल्हा/Minister  
राष्ट्रीय आनुवंशिकता आयोग  
National Commission for Scheduled Tribes  
एन.सी.एस.टी.  
New Delhi

10 The Hon'ble Member observed that perhaps something going wrong in the North DMC for not conducting DPC for the Executive Engineers in time and RR Rules for the said post(s) has also not been revised, as per DoPT instructions/guidelines. There is no role of UPSC, therefore, UPSC may not be called in the next sitting of the Commission for discussion in the matter.

11 After detailed discussion with the Joint Secretary, UPSC, Representative of North DMC, and the petitioner(s), the Hon'ble Member recommends/ suggested that North DMC and UPSC should take action on the following points and submit the report within 30 days for deciding further course of action in the matter:-

- (i) Total sanctioned posts of Executive Engineer (Civil) and post reserved for ST along with Gazette notification be provided by the North DMC.
- (ii) Vacancy position (indicating General, SC and ST) from the year 1997-98 to 2007-08 for the post of Executive Engineer (Civil), copy of RR Rules and if modified for Executive Engineer (Civil), copy of roster and certificate of vacancy position for ST category duly certified by Liaison Officer be provided by North DMC.
- (iii) Copy of the roster feeder cadre post of Assistant Engineer be provided by North DMC up to date.
- (iv) Action taken report on the letter dated 22.12.2017 of President, MCD (General Wing) SC/ST Engineer Association addressed to Chief Vigilance Commission, at annexure-II.
- (v) The report on opening of seal cover of Shri N.C. Meena on the basis of acquittal in police case be submitted by North DMC.
- (vi) Report on opening of seal cover of Shri Ram Charan Meena for the post of Executive Engineer (ad-hoc/regular) from the date promotion of his juniors i.e 24.11.2006 to the submitted by North DMC.
- (vii) UPSC is advised to consider the petition to be given by petitioner to check irregularities/deficiencies for conducting DPC/R-DPC for Executive Engineer (Civil) in North DMC and asked the North DMC to rectify the same.

  
श्री न. वासवा / N. Vasava  
सदस्य / Member  
राष्ट्रीय आयोग / National Commission for Scheduled Tribes  
एन. सी. आर. / Govt. of India  
नया दिल्ली / New Delhi

**Government of India**  
**National Commission for Scheduled Tribes**

(F. No. RCM/1/2019/STGDH/SEPPROM/RU-I)

List of participants of the sitting held on 19/11/2019 at 12:15 PM under the Chairmanship of Hon'ble Member, H.C.Vasava, NCST in the case of President, M.C.D (General Wing) SC/ST Engineers Association, E-3, MCD Flats Bhamasha Market, Kamla Nagar, Delhi regarding promotion to the post of Executive Engineer (Civil) in Municipal Corporations of Delhi against the vacancies of year 1997-98 to 2007-08 for which held on July- August- 2008 and Review -DPC held on 2015

**I National Commission for Scheduled Tribes**

- 1 Shri H.C. Vasava, Hon'ble Member In Chair
- 2 Dr. Lalit Latta, Director
- 3 Shri S.P. Meena, Assistant Director
- 4 Shri R.S. Misra, Senior Investigator
- 5 Shri Manoj Mishra, PS to Hon'ble Member (HCV)

**II North Delhi Municipal Corporation.**

- 1 Shri Raminder Singh, Assistant Commissioner (CED)
- 2 Shri P.K. Jolly, Administration officer (CED)
- 3 Shri Subodh Kumar. ASO (CED)

**III Union Public Service Commission**

- 1 Shri Ravi Shankar, Joint Secretary (Appointments)
- 2 Shri S.C. Sharu, Dy. Secretary
- 3 Shri S.S. Negi, Under Secretary (AP)

**IV Petitioner**

- 1 Shri N.C. Meena, Executive Member (EE, Civil)
- 2 Shri R.C. Meena, President (SDMC)



M.C.D (GENERAL WING) SC/ST ENGINEERS ASSOCIATION

Registration No. S/23978/1993  
(An association that listen, care and delivers)  
Email- mcdscsters@gmail.com

NO. D/MCD/SC&ST/Ers /2017-18/ 12

Dated: 27/12/17

To,

The Chief Vigilance Commission,  
Satarkta bhawan, A- Block,  
GPO Compex, INA,  
New Delhi-23

Subject:- Complaint against officials of Central Establishment Department (CED) of North Delhi Municipal Corporation (North DMC) for not compliance of order of Commissioner /North DMC dated 12.12.2014 for reversion of officers by manipulating the facts for pecuniary benefits.

R/Sir,

It has come to the notice of the Association that an order dated 12.12.2014 was passed by the Commissioner North DMC for reverting the excess Executive Engineer (Civil) due to opening of seal cover and non availability of vacancies. The copy of approval of commissioner/ North DMC is enclosed.

In para -4 of above approval note (page 12S/N), vacancy position is also shown and in para-8(i) (page 130 N) list of officials which were required to be reverted is mentioned.

On going through the contents of the above approval note, it reveals that facts have been manipulated by the CED officials for pecuniary benefits and none of the officer/ Executive Engineer was reverted. There is loss of more than 2.00 Crore due promoting the AEs for the post of Executive Engineer without any vacancies by CED officials by mis -using their official position. By the above acts of CED officials, the benefits of SC& ST has also been deprived. This case is quite similar to the well known case of Ex Chief Minister of Haryana Sh. Chautala " Recruitment of teachers without vacancies". Moreover, officers have been promoted for next higher post i.e SE (Civil) in next next higher pay scale (PB-IV).

As the matter of **corruption** in the department is a serious issue and required to be dealt accordingly so your good office is requested to issue necessary directions to investigate the matter and to initiate action against the erring officials alongwith beneficiary officials.

Thanking you

Encls: As above

Yours Sincerely,

*Ran Chona Meena*

(Er. R.C.MEENA)

(PRESIDENT)

Address for correspondence:- E-3, MCD, Flats Bhamashah market,  
Kamla Nagar, Delhi-110007  
Mobile No:- 9717787854  
Email- raneena007@gmail.com

e/c

Sub:- Opening of sealed cover in respect of Shri Sudhir Mehta, Ex. Engg. On adhoc.

In compliance with the orders of Commissioner, North DMC, the sealed cover of Shri Sudhir Mehta was opened in the presence of Director (P) North DMC. In the sealed cover, the DPC recommended as under:-

*Having examined the character roll of Shri Sudhir Kumar Mehta, against whom a vigilance case is pending, the Departmental Promotion Committee assessed him a "Fit" On the basis of this assessment, therefore, the Committee recommend that his name may be included in the panel for the year 2006-07 at Sl. No. 7(A) below Shri Gurdas Lamchandani (S.No. 7) subject to his securing a clearance in the vigilance case pending against him and the competent Authority furnishing the requisite integrity Certificate in his regard.*

2. On the basis of the above recommendation of the DPC-2008 the seniority of the applicant is hereby fixed at Sl. No. 121-A i.e below the name of Rajesh Khanna S/o Shri K.L.Khanna (Srty. No. 21) and above the name of Shri Ajay Kumar Mittal (Srty. No. 122) in the revised final seniority list dated 03.05.2011 subject to outcome and implementation of direction/orders in various court case(s) Stay etc if any, review DPC, 2008 and also subject to revision of the final seniority list dated 03.05.2011 in the contempt matter of Arunesh Upadhayay V/s Commissioner North DMC & Ors. (CP No. 390/2013 in OA No. 2241/2013).

3. It is further submitted that as per vigilance department report received vide letter dated 27.06.2012 (Copy placed opposite), Shri B.R.Bansal is running under RDA, as such, the recommendation of DPC-2008 to the extent of Shri B.R.Bansal may be allowed to be kept in deemed sealed cover till such time the R-DPC-2008 is conducted in UPSC.

4. Besides the above it is submitted here that in my note at page 104-106/N wherein it has been mentioned that a DPC for the post of EE (Civil) for the recruitment years 1997-98 to 2007-08 for total 68 vacancies as detailed below was conducted in UPSC in July-August 2008.

Sl. No.	Category	No. Of vacancies
1	General	54
2	Scheduled Caste	09
3	Scheduled Tribes	05
TOTAL		68

5. Against the above mentioned 68 vacancies, DPC recommended 44 General candidates and 01 Scheduled Caste candidate for promotion to the grade of EE (Civil). No ST candidate was promoted against the reserved vacancy of ST.

## उत्तरी दिल्ली नगर निगम

6. After the DPC, consequent upon exoneration in the relevant RDAs/Police cases, the sealed covers of the following officers have been opened and placement given in the seniority list of EE(C) as under:-

Sl. No.	Name of the officer	Recruitment year	Remarks
1	Sh. Rakesh Kr. Aillawadi S/o Sh. KC Aillawadi	1997-1998	
2	Sh. VR Bansal S/o Sh. LR Bansal	1998-1999	
3	Sh. Arunesh Upadhyay S/o Sh. Gopal Sharma	1999-2000	
4	Sh. Mohan Lal (SC) S/o Sh. Charan Singh	2000-2001	Selected against Gen vacancy.
5	Sh. RP Kohli S/o Sh. O.S. Kohli	2001-2002	
6	Sh. MK Singhla S/o Sh. Mangat Ram	2006-2007	
7	Sh. NC Sharma S/o Sh. LR Sharma	2006-2007	
8	Sh. Rajesh Khanna S/o Sh. KL Khanna	2006-2007	
9	Sh. Ashwani Kr. Batra S/o Sh. SDM Batra	2007-2008	
10	Sh. Krishan Mohan S/o Sh. Budhan Singh	1997-1998	
11	Sh. Dinesh Yadav S/o Sh. J.S. Yadav	2005-2006	
12	Sh. Mohd. Liaq Khan S/o Sh. A.S. Khan	1997-1998	

N.D.M.C.

7. Apart from this, the following officers have been included in the seniority list of EE (C) after conducting review DPCs in UPSC for the different reasons.

Sl. No.	Name of the Officer
13	Shri M.M.S. Dahiya
14	Shri Rajiv Kumar Jain
15	Shri Rambir Singh Bansal
16	Shri V.K. Kadyan

8. From the above it is obvious that at present total 60 general candidates are working against the total general vacancies of 54. Thus 06 Executive Engineer (Civil) is working in excess of their strength. After placement of Shri Sudhir Kumar in the seniority list of EE(C), the total strength becomes 61. Therefore, due to insufficient vacancies in the recruitment year 2007-08, the officiating promotion of the 07 junior most Ex. Engineer (Civil) is required to be withdrawn to avoid future litigation in the cadre as well as court cases and other disputes. However these officers are to be considered in the next DPC to be convening in UPSC for the recruitment year 2008-09 onwards.

130/N

In the light of the above facts, the case may be sent to Commissioner, North DMC for according the approval on the following.

(I) As after opening the sealed covers, the following Ex. Engineer (Civil) are become in excess due to insufficient vacancies in their category, their officiating promotion to the post of EE(C) may be allowed to be withdrawn and they may continue as AE(C) on regular/ Ex. Engineer (Civil) on Adhoc till such time a DPC for the years 2008-09 and onwards is conducted in UPSC.

Sl. No.	Srty. No.	Name of the officer
1	122	Sh. Ajay Kumar Mittal
2	123	Sh. V.K.Bhatia
3	124	Sh. D.S.Dhanda
4	124-A	Sh. Ashwani Kumar Batra
5	124-B	Sh. Rajiv Kumar Jain
6	125	Sh. M.M.Khan
7	125-A	Sh. V.K.Kadyan

(II) The recommendation of DPC-2008 in respect of Shri B.R. [Name] may be allowed to be kept in deemed sealed cover till R-DPC-2008.

(III) As per recommendation of the DPC-2008, the name of Shri Sudhir Kumar Mehta may be allowed to be placed at seniority No. 121-A in the revised final seniority list dated 03.05.2011 i.e below the name of Shri Rajesh Khanna S/o Shri K.L.Khanna (Srty. No. 121) and above the name of Shri Ajay Kumar Mittal (Srty. No. 122) subject to outcome and implementation of direction/orders in various court case(s)/Stay etc. if any, review DPC, 2008 and also subject to revision of the final seniority list dated 03.05.2011 in the contempt matter of Arunesh Upadhyay V/s Commissioner North DMC & Ors. ( CP No. 390/2013 in OA No. 2241/2013).

*F/5013/D/NDMC  
09/12/14*

Submitted for orders please.

*[Signature]*  
Supdt (T)  
09.12.2014

AO (Estt.)/NDMC

*[Signature]*  
11/29/14

Director/P/NDMC

*may kindly appose I, II & III above if agreed pl.*

Adtl. Commissioner/Estt

*[Signature]*  
11/12/14

Commissioner/NDMC

*[Signature]*  
12.12.2014

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R. but up as discussed -