

Employees can't be denied promotion arbitrarily: Delhi HC

Delhi High Court made a ruling that the Government employees cannot be deprived of promotion arbitrarily & without any reasonable ground.

A bench of Justices BD Ahmed and VK Jain noted, "It is true that no employee has a vested right to promotion, but respondents (employer) cannot act arbitrarily and without any reasonable excuse defer the meeting of Departmental Promotion Committee (DPC) and, thereby, deprive an employee of his legitimate expectation for being considered for promotion to a post if he is eligible."

Reversing Central Administrative Tribunal's (CAT) decision denying promotion to a ministry of agriculture employee, the HC directed the government to treat Sahadeva Singh as promoted to the post of deputy commissioner (crops) from January 1, 2005. Singh, an assistant commissioner with the ministry, was to be promoted to the deputy commissioner's post that got vacant in 2004. But the tribunal in 2007 refused to promote Singh stating that though an employee had the right to be considered for promotion, it was not his prerogative to demand it.

Singh appealed to the high court that as no person working in the feeder cadre was eligible for deputy commissioner's post, the vacancies created in 2004 were carried forward to 2005. Singh further claimed that he was eligible for promotion as he had completed five years of service as assistant commissioner on June 28, 2004.

Setting aside the CAT's judgement, the high court said, "The writ petition is allowed, directing the respondents to treat the petitioner promoted as deputy commissioner (crops) with effect from January 1, 2005, against one of the two vacancies which had arisen in the year 2004 and were carried forward to 2005."

The court also held that Singh would have got promoted in January 2005, if the Departmental Promotion Committee had held a meeting in 2004.