



DELHI DEVELOPMENT AUTHORITY  
(CONFIDENTIAL BRANCH)

E.O. No. 267

Dated: 9/5/25

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if the method of promotion is seniority-cum-merit or seniority per se, there is no question of eligible senior being superseded.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 Ashwini Khullar and hereby sets it aside. Consequently, the decision of the CAT in the case Kanwal Kumar, which follows its own decision in Ashwini 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 Senior Architect are further subject to the outcome of the decision of Hon'ble Supreme Court of India.

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3. The Vice Chairman, DDA being the competent authority, is pleased to promote the following Deputy Directors (Architect) to the post of Senior Architect in the Level-12 of Pay Matrix as per 7th CPC [Pre revised PB-3 of Rs.15600-39100 with Grade Pay of Rs.7600/- (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:-

S.No./ Sty. No. as DD(Arch.)	Name of the officers S/Shri/Smt./Ms.	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)
1/31	Mohan Chandra	1396 dated 13.08.2010	13.08.2010	Retired
2/33	Harleen Behl	1396 dated 13.08.2010	13.08.2010	Chief Architect
3/36	Manisha Gupta	1576 dated 14.11.2011	09.05.2014	Additional Chief Architect, VC Secretariat/DDA
4/35	Sukhdev Raj Jaiswal	657 dated 04.06.2019	04.12.2014	Retired
5/39	Kauser Firdos	708 dated 09.05.2014	04.12.2014	Additional Chief Architect (NZ & Narela) HUPW
6/40	Deepankar Singh	1782 dated 04.12.2014	25.04.2019	Additional Chief Architect (Rohini Zone) HUPW
7/41	Samita Saxena	1061 dated 30.08.2019	25.04.2019	Retired
8/42	Hemant Verma	1466 dated 25.10.2016	04.06.2019	Sr. Architect (SZ) HUPW
9/45	Surjit Jaradhara	46 dated 07.01.2015	30.08.2019	Sr. Architect (UP & DUHF) HUPW
10/48	Promita Roy	1125 dated 27.10.2021	29.04.2020	Resigned
11/52	Shabnam Bhardwaj	383 dated 29.04.2020	06.06.2023	Sr. Architect (EZ) HUPW
12/53	Parveen Kumar Dhamija	464 dated 06.06.2023	06.06.2023	Retired
13/57	Anand Kumar Shiva	776 dated 31.10.2023	31.10.2023	Sr. Architect (WZ & DWK) HUPW
14/58	Yogesh Tyagi	105 dated 29.02.2024	29.02.2024	Sr. Architect (Sports) HUPW
15/59	Kamaljeet Singh	807 dated 31.12.2024	31.12.2024	Sr. Architect (Socio-Cultural) HUPW

4. All the Senior Architect 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 Senior Architect for promotion to the post of Addl. Chief Architect will be reckoned from the date of revised date of promotion as per Review DPC as per column-4 above.

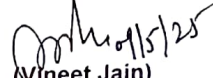
6. The competent authority is further pleased to order that no arrear or recovery of pay and allowances shall be made on account of these revised promotion orders.

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*(Signature)*  
29/5/25

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.

8. This is issued with the approval of Vice Chairman, DDA.

  
(Vineet Jain)

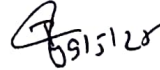
Commissioner (Personnel)

Dated: 09-05-25

No.F.10(10)2025/CC/ 389

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. Chief Architect, DDA
7. Commissioner (Pers), DDA
8. Chief Accounts Officer, DDA
9. Chief Engineer (QAC), DDA
10. All Concerned Addl. Chief Architect, DDA
11. All Concerned Senior Architects, (Arch. Coordn.), DDA
12. Director - (Pers.)-I & II, DDA
13. Dy. Director (P)-I / PMIS, (Arch. Coordn.) 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 officers.
16. Sr. A.O. (Estt.)Plg. and all concerned D.D.Os., DDA
17. E.O. Book, Guard File



(Pradeep Yadav)  
Dy. Director (CR)