

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 807/2003**

% **Date of decision : January 20, 2006**

INDIAN INSTITUTE OF PUBLIC ADM Appellant
Through Ms. Anuradha Mahajan, Adv.

versus

LIPI MUKHOPADHYAY Respondent
Through Mr. Amit Sibal with Mr. Prachi Bajpai
and Mr. Atif Iqbal, Advs.

Coram:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be reported in the Digest?

MARKANDEYA KATJU, CJ (ORAL)

This writ appeal has been filed against the impugned judgment of the learned Single Judge dated 5th September, 2003. Heard counsel for the

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parties. The facts in detail have been set out in the judgment of the learned Single Judge and hence we are not repeating the same except where necessary.

The short question in this case is whether the petitioner is entitled to promotion under the Career Development Scheme from 10.7.1995.

In the circular of the Indian Institute of Public Administration dated 25.6.1990 it is provided:-

“Promotions made under Career Development Scheme shall be from the date of eligibility irrespective of the date of approval of the promotion by the competent authority. As the scheme is effective from 1.1.86, the date of eligibility will be 1.1.86 or completion of the stipulated period of service whichever is later.”

As regards the expression “the date of eligibility” that has been clarified in the same circular, which reads as follows:-

“(a) The eligibility would be completion of 16 years service as Lecturer (13 years if Ph.D and 15 years if M.Phil) out of which at least 6 years of continuous service (3 years if Ph.d. and 5 years if M.Phil) immediately preceding the date of eligibility for promotion should be in IIPA.

(b) The Selection Committee of IIPA constituted by the Executive Council shall evaluate the candidates for promotion. The Selection

Committee, may at its discretion require candidates to appear for interview."

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Thus it is clear from ^{the} circular dated 25.6.1990 that the promotion will be retrospective from the date of eligibility, which in the case of the respondent is 10.7.1995.

Thus there is no infirmity in the impugned judgment. The appeal is dismissed.


CHIEF JUSTICE


MADAN B. LOKUR, J

JANUARY 20, 2006

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