
(2009) 10 RAJ CK 0103
In the Rajasthan High Court
Case No : Civil Writ Petition No. 803 of 2009

Charan Singh Sharma

APPELLANT

Vs

RSRTC and Others

RESPONDENT

Date of Decision : 07-10-2009

Acts Referred:

Citation : (2009) 10 RAJ CK 0103

Hon'ble Judges : P.C. Tatia, J

Bench : Single Bench

Judgement

Prakash Tatia, J.—Heard learned Counsel for the parties.

2. In petitioner's earlier writ petition i.e., SBCWP No. 3387/2008 direction was given to the respondents to consider the case of the petitioner for the purpose of promotion to the post of Asstt. Traffic Inspector in accordance with law.

3. The Court noticed the facts that the petitioner has been denied consideration for promotion to the post of Asstt. Traffic Inspector only on the ground of lack of requisite qualification on the assumption that the petitioner was possessing qualification only of Secondary though in fact petitioner had the qualification of Higher Secondary as required by the respondents. It appears from the order dated 17.7.2007 that even the mark-sheet and certificate of requisite qualification were placed on record of the writ petition No. 3387/2006. In view of the said documentary evidence even counsel appearing for the respondents could not seriously dispute the position that if the petitioner was holding the requisite qualification then the petitioner had right to be considered for promotion concerned. This Court also observed that learned Counsel for the respondent fairly submitted that in view of the undeniable factual position available on record, the respondents would not stand on ceremonies and shall reconsider the matter of the petitioner in accordance with law.

4. The petitioner has approached this Court second time and in reply the respondents have admitted that this Court allowed the petitioner's writ petition

No. 3387/2006 vide order dated 17.7.2007. According to the respondents, the petitioner has already been informed by letter dated 30.10.2007 that in compliance to the direction of this Court, the case of the petitioner alongwith other eligible employees of the corporation would be placed before the Screening Committee and thereafter before the Departmental Promotion Committee at the earliest for consideration of promotion to the post of Asstt. Traffic Inspector in the quota of bravery and courageous work. The respondents have also placed on record copy of the letter as Ex.R/8.

5. I have considered the submissions of learned Counsel for the parties and perused the facts of the case.

6. The respondents themselves who are otherwise also bound by the decision of this Court dated 17.7.2007 admitted in pleading specifically that petitioner's case is required to be considered for promotion on the post of Asstt. Traffic Inspector, but facts show that in two years no decision has been taken as the petitioner's case yet has not been considered by the DPC. The respondents tried to give explanation for not convening the meeting of the DPC on the pretext that the matter has been referred to the Government for considering eligibility of promotion for the post referred above.

7. The reply in itself is quite strange as at one place, the respondents have admitted that petitioner's case will be considered for promotion expeditiously and on other place referred in para No. 13-17, new pleas have been taken for non-consideration.

8. In view of the above reasons, this Court find no reason for not directing the respondents from convening the meeting of Screening Committee and then DPC within a period of 2 months from today to consider the case of the petitioner. In case the process is not started as referred above, the petitioner will be free to initiate the proceeding for contempt of this Court's order by the respondents.

9. With these directions and observations, the writ petition of the petitioner is disposed of.