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**(2012) 09 SHI CK 0146**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 5741 of 2012-E**

Dile Ram

APPELLANT

Vs

State of H.P.

RESPONDENT

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**Date of Decision :** 14-09-2012

**Acts Referred:**

**Citation :** (2012) 09 SHI CK 0146

**Hon'ble Judges :** Kurian Joseph, C.J.; Dharam Chand Chaudhary, J

**Bench :** Division Bench

**Advocate :** Sanjeev Bhushan, for the Appellant; R.K. Bawa, Advocate General with Mr. Ankush Dass Sood, A.A.G. for Respondents Nos. 1, 2 and 4 and Mr. D.K. Khanna, Advocate, for the Respondent

**Final Decision :** Allowed

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## Judgement

Justice Kurian Joseph, C.J.—Whether DPC would be justified in ignoring a retired employee from its consideration, is the short question arising for consideration in this case. Petitioner retired from service on 30.6.2011. The issue pertains to the selection to the post of Block Development Officer. Admittedly, no DPC, in respect of the vacancies from the year 2003 onwards, has been held so far. It is pointed out that DPC could not be held on account of interim order passed by this Court in another case. Be that as it may, the admitted factual position is that there has not been any DPC in respect of the vacancies from the year 2003 onwards. Department Promotional Committee is required to be held every year in respect of the existing and anticipated vacancies. If for some reason, DPC is not held, as and when it is held, it has to prepare year-wise select list in respect of vacancies available in each year. While preparing the select list, as above, all officers, falling in the zone of consideration and otherwise eligible, are to be considered. They cannot be ignored on the ground that on the date of DPC, such officers stood retired. They were in service at that time and if they were otherwise eligible for the year for which select list is prepared by the DPC, they have to be considered.

2. In the instant case, the petitioner retired only in the year 2011. DPC in respect of the vacancies from the year 2003 onwards is held in the year 2012. Since the DPC is to prepare year-wise list from 2003 onwards till the petitioner retired, he has a right to be considered by the DPC for the year of vacancy, in case he is otherwise eligible.

3. Therefore, there will be a direction to the respondents to review the DPC as far as the promotions to the post of Block Development Officers are concerned and prepare year wise select list and take appropriate further action. Needful shall be done within a period of one month from the date of production of a copy of this judgment by the petitioner before the respondents/competent authority. Writ petition is allowed, as above. Pending application(s), if any, shall also stand disposed of.