

(2010) 01 RAJ CK 0066
In the Rajasthan High Court

Gaje Singh

APPELLANT

Vs

Raj. State Warehousing Corporation and Others

RESPONDENT

Date of Decision : 07-01-2010

Acts Referred:

Citation : (2010) 01 RAJ CK 0066

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

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

2. The petitioner is praying for quashing of Annex. 5 and 6 by which the promotions were given to persons who according to the petitioner are junior to him and petitioner's candidature was rejected for promotion.

3. The petitioner was appointed as Technical Assistant in respondent-department and he joined the duties on 15.12.1966. Shri Charan Singh Yad and Brijpal Singh came in service on 16.12.1966 and 19.12.1966 respectively. Therefore, according to the petitioner he was senior to those two persons. The petitioner was promoted to the post of Manager and to the post of Senior Manager and according to him he was performing his duties with sincerity. The petitioner's name was shown at S. No. 5 in the seniority list and he was going to retire in Jan., 1998.

4. According to the petitioner for some vested interest the ACRs of the petitioner was lowered down by some marking for the year 1993-94. However, this adverse remarks were communicated to the petitioner in the year 1996 and petitioner submitted his representation against the said adverse entries.

5. According to the petitioner he came to know that promotions have been offered to the post of Assistant Director to the juniors to the petitioners and retired persons have been given promotions and his candidature was not

considered. However, according to petitioner his name may have been considered once as there is mention that his candidature was rejected. According to the petitioner, no reason was given for rejecting the petitioner's candidature for promotion in any of the DPC's recommendations. The petitioner, therefore, has preferred this writ petition for quashing the said two promotion orders Annex. 5 and 6.

6. The respondents submitted detail reply to the writ petition stating therein that petitioner's annual performance appraisal in the year 1995-96 contained adverse entries which were conveyed to the petitioner vide letter dated 2nd Nov., 1996 in response of which he submitted reply in Dec., 1996, however, the adverse entries were maintained and this was communicated to the petitioner vide letter dated 1.2.1997. This fact has been suppressed by the petitioner. The petitioner has further suppressed that one disciplinary proceeding was initiated against him and he was found guilty and competent authority punished him with the punishment of withholding of one annual grade increment vide order dated 30th June, 1995. The respondents gave details of the adverse entries which are duly communicated to the petitioner and which were upheld also and, thereafter, submitted that the DPC after considering the record of all eligible candidates including the petitioner submitted recommendations and so far as allegation of the petitioner regarding retired persons having been promoted, it is submitted that a corrigendum was issued in respect of Sh. JK Chaturvedi who already retired on 31.1.1997 and copy of that corrigendum was placed on record as Annex. R/7. In view of the above reasons, the DPC carefully considered the candidature of the petitioner and rejected the petitioner's candidature and, therefore, this Court may not interfere in a decision which has been taken after considering all the relevant fact by the DPC and no case is made out for interference.

7. I considered the submissions of learned Counsel for the parties and perused the facts. I need not to refer the facts in detail again and the facts stated hereinabove clearly demonstrates that petitioner's case was duly considered by the DPC which is apparent from the Annex. 5 dated 25th Sept., 1997 wherein it is clearly mentioned that his case was rejected and from the facts which are now not in dispute that petitioner's services record was not sufficient for grant of promotion and when the promotions were granted vide Annex.5 and 6 the petitioner was fully aware that his adverse entry was maintained after considering the representation as well as he was punished in departmental inquiry.

8. In view of the above reasons, this writ petition has no merit and the same is hereby dismissed.