

(2010) 06 SHI CK 0165
In the High Court Of Himachal Pradesh
Case No : C.W.P. T. No. 2616 of 2008

Gopal Singh Verma and Another

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 29-06-2010

Acts Referred:

Citation : (2010) 06 SHI CK 0165

Hon'ble Judges : Kurian Joseph, C.J;Kuldip Singh, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

- (i) That the impugned Annexure A-7 & A-8 may kindly be quashed and set aside.
- (ii) Directing the Respondents to restore the seniority to the applicants as allotted to them after granting them the benefit of approved Military Service firstly to the post of Clerk and thereafter to the post of Senior Assistants.
- (iii) Directing the Respondents to promote the applicants as Senior Assistants from the due dates in pursuance to relief at (ii) above i.e. after correction of seniority and thereafter as Superintendents Grade-II from the date of their eligibility and from the date when the juniors to the applicants were promoted with all consequential benefits.
- (iv) Directing the Respondents to hold review DPC in pursuance to the action to be taken in accordance with the reliefs as prayed at (ii) & (iii) above for granting the promotion to the applicants firstly to the post of Senior Assistants from the due dates and then to the post of superintendent Grade-II.

2. According to the petitioners, they are entitled to promotion as Senior Assistant after completion 5 years of service as clerk. The petitioners are ex-servicemen. It is seen that the petitioners had not taken such ground before any authority at the relevant time and they were happy with their promotion granted to them in the year 1999. According to learned Counsel for petitioners, they did not take up

the issue as they were happy with the seniority assigned to them as serial Nos. 118 and 124. It is seen from annexure A-8 that their seniority has been reassigned as 431-A and 431-C. It is vehemently contended by the learned Counsel for the petitioners that since the petitioners had been enjoying the seniority at serial Nos. 118 and 124 and even if a mistake had occurred, the petitioners should have been given notice. It is not seen from the record that petitioners have been given notice. Therefore, the writ petition is disposed of as follows:

It will be open to the petitioners to raise all the grievances against Annexure A-8 and consequential Annexure A-7 before the first Respondent within a period of one month from today. If so, the matter will be duly considered by the first Respondent with notice to the petitioners and the private Respondents and appropriate orders be passed in accordance with law and justice within another four months.