
(2007) 10 MP CK 0067
In the Madhya Pradesh High Court

Hemant Kumar Pandey

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 04-10-2007

Acts Referred:

Citation : (2008) 2 MPHT 248 : (2008) 1 MPLJ 319

Hon'ble Judges : R.K. Gupta, J

Bench : Single Bench

Judgement

R.K. Gupta, J.

Petitioner by Shri P.K. Tiwari, Advocate.

Respondent Nos. 1 to 3 by Shri Shailesh Mishra, G.A.

They are heard.

The petitioner by way of filing the present petition has challenged the order dated 13-4-2000 (Annexure A-1). By this order the juniors to the petitioners have been promoted on temporary basis to the post of Superintendent in TB Hospital as well as specialist in TB which is Annexures A-1 and A-2. The substantive post of the petitioner is Assistant Surgeon and the petitioner was entitled to be considered by the DPC which met on 3-5-1999 for his promotion to the post of Superintendent TB or specialist in TB.

The respondents have filed return and in the return the respondents have stated that the case of the petitioner was considered but the petitioner was not found fit for his promotion as per the criteria fixed by the DPC for promotion. Nothing has been stated in the return as to on what basis the petitioner was not found fit for his promotion.

This Court by an order dated 29-11-2006 directed the respondents to produce the record of the DPC but the respondents have not produced the record of the DPC.

Under the circumstances this Court is compelled to draw the adverse inference against the respondents that there had been no fair consideration of the petitioner's case by the DPC for his promotion to the post of Superintendent TB Hospital or specialist in TB.

Under the circumstances the respondents are directed to hold a review DPC dated 3-5-1999 to consider the case of the petitioner for his promotion to the post of Superintendent TB Hospital or specialist in TB within a period of four months from the date the petitioner furnishes the certified copy of this order.

Needless to emphasize that in case the petitioner is found fit in the review DPC the petitioner shall be entitled to all the benefits including seniority as well as pay scale from the date the juniors to the petitioner in pursuance to the order Annexures A-1 and A-2. Accordingly petition stands disposed of.