

(2011) 09 SHI CK 0108
In the High Court Of Himachal Pradesh
Case No : LPA No. 116 of 2011

Joginder Singh

APPELLANT

Vs

Dr. Y. S. Parmar University and Others

RESPONDENT

Date of Decision : 12-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0108

Hon'ble Judges : Kurian Joseph, C.J; Sanjay Karol, J

Bench : Division Bench

Judgement

Sanjay Karol, J.—Petitioner (appellant herein) joined the University (respondent) as a Field Assistant in the year 1982. His services were regularized as such on 20.11.1984. For the post of Field Assistant (Grade-II), his claim for promotion to the reserved post was ignored by the University for the reason that he did not belong to scheduled caste category.

2. Feeling aggrieved Petitioner was constrained to approach the erstwhile Administrative Tribunal and by virtue of provisions of the Himachal Pradesh Administrative Tribunal (Transfer of decided and pending cases and applications) Act, 2008 (No. 14 of 2 2008) his Original Application was transferred to this Court and renumbered as CWP-T- No. 2352 of 2008 which stands dismissed in terms of impugned judgment dated 8.3.2011 passed by the learned Single Judge of this Court.

3. Petitioner's claim for promotion to the post in question stands rejected for the reason that there was nothing before the University to show that he was a candidate belonging to a scheduled caste category or that he had informed the University of his eligibility as such. It is held that in this regard Petitioner made representation only in the year 1993 and that too without annexing certificate/ proof of his eligibility which was eventually done by him only in the year 1995 by when the posts already stood filled up.

4. Notice in the appeal was issued and entire service record pertaining to the

Petitioner summoned. Perusal of the same shows that Petitioner was in fact inducted into the service as a candidate belonging to a scheduled caste category. From the record it cannot be disputed that not only did the Petitioner belong to scheduled caste category but his appointment was also on such basis, which fact was already in the knowledge of the authorities. As such findings recorded by the learned Single Judge, being contrary to the record, needs to be reversed and the impugned judgment set aside.

5. It is not in dispute that persons who were similarly situated, but were otherwise junior to the Petitioner were promoted for the post reserved for the scheduled caste category in the year 1990-91.

6. As such Respondents shall consider the Petitioner's case for promotion to the post of a Field Assistant (Grade-II) from the date when persons junior to him were promoted. All consequential actions shall be taken and benefits flowing there from disbursed by the Respondents. It is clarified that Petitioner shall also be entitled to back wages and the amounts found to be due and admissible, shall be disbursed to him within a period of three months from the date of receipt of certified copy of the judgment, failing which, thereafter he shall be entitled to interest @ 6 % p.a. which shall be personally recovered from the erring official(s).

7. Appeal stands disposed of, so also the pending application(s), if any.