
(2008) 01 RAJ CK 0007
In the Rajasthan High Court
Case No : Civil Writ Petition No. 5200 of 2005

Nathu Lal and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 28-01-2008

Acts Referred:

Citation : (2008) 2 WLN 454

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Judgement

Mohammad Rafiq, J.—Grievance of the petitioners is that they were appointed as Class IV employees and are working under respondent No. 4 the Chief Medical and Health Officer (CMHO), Hanumangarh, Rajasthan. As per Rajasthan Subordinate Offices Ministerial Staff Rules, 1967, they are entitled to be considered for promotion against the post of Lower Division Clerk (L.D.C.), but the respondent?Department has not taken any steps to determine the vacancies of the L.D.C. in Bikaner zone, for the purpose of promotion. Further grievance of the petitioners is that though seniority list of Class IV employees has been issued, time and again, but not a single promotion has been granted to any of them since 1995.

2. The last seniority list was issued on 23.12.1994 for Bikaner zone and, in that seniority list, the employees, whose names have been shown at S. Nos. 32 to 35, and who were junior to the petitioners, have been promoted on the post of L.D.C. in 1995, but the respondents have completely ignored the case of the petitioners. It has also been argued that the promotions in other zones of the State of Rajasthan are taking place regularly, but the case of the petitioners for promotion to the post of L.D.C. is not being considered by the respondents. It has, therefore, been prayed that the respondents may be directed to consider the case of the petitioners for the post of L.D.C. as per Rules, 1967 and grant them promotion from the date their juniors were promoted. They may also be granted consequential benefits.

3. The respondents, in reply to the writ petition, have not denied the entitlement of the petitioners for promotion to the post of L.D.C. It is contended that whenever the proceedings for promotions are undertaken in Bikaner zone, the petitioners would be granted promotion as per their seniority. In response to the averments made in ground (b) of the writ petition, where the petitioners alleged that persons shown at S. Nos. 32 to 35 in the seniority list dt. 23.12.1994, even though junior to them, were promoted earlier, the respondents have not come out with any specific denial.

4. On perusal of the Circular of the Department dt. 07.07.2005 which is on record, it is evident that it was enjoined upon all CMHOs by the Medical Directorate that they should finalize the seniority lists of Class IV employees and ensure that the promotions are granted to them by holding regular Departmental Promotion Committee (DPC) upto the year, 2004-05. The Court has been informed by the learned Counsel that, even though, respondents in their reply, filed as far back as 27.07.2006, have stated that the proceedings for holding DPC are being undertaken, but so far nothing has been done.

5. In the facts and circumstances of the case, the petitioners cannot be made to wait for their turn of promotion for an indefinite period, especially when the respondents, in their reply, do not deny their right to get promotion and the Government circular also requires them to undertake and complete the exercise of granting promotion expeditiously upto the year, 2004-05.

6. The writ petition is, therefore, allowed and the respondents are directed to complete all the formalities and hold DPC for promotion of the petitioners within a period of six months and grant them regular promotion w.e.f. the date such persons, who were juniors to the petitioners, were granted promotions. The petitioners shall also be entitled to consequential benefits.