

(2020) 11 SHI CK 0153
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2819 Of 2020

Parkash Chand

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 12-11-2020

Acts Referred:

Citation : (2020) 11 SHI CK 0153

Hon'ble Judges : Sureshwar Thakur, J;Chander Bhusan Barowalia, J

Bench : Division Bench

Advocate : Kulbhushan Khajuria, Hemant Vaid

Final Decision : Dismissed

Judgement

Sureshwar Thakur, J

1. The writ petitioner belongs to the category, of, Work Inspector, wheretowhom, a four percentum quota, for promotion to the promotional post, of, Junior Engineer, is, prescribed in the Recruitment and Promotion Rules, as, become enumerated in the reply to the writ petition, as filed by the respondent. The writ petitioner, belongs to the 1997 batch. The relevant clause-(vii), of, the Recruitment and Promotion Rules, becomes, extracted hereinafter:

"vii) By promotion from amongst the Work Inspector who are matriculates or possess its equivalent qualification with at least 15 years regular service or regular combined with continuous adhoc service rendered, if any, in the grade, and completed succesfully the prescribed Departmental training course of 06 months duration, failing which the quota will go to Column 11(i) above." and its perusal discloses that the imperative qualification, for, making the petitioner, eligible, for his being considered, for the promotion to the promotional post, of, Junior Engineer, are, (a) of his possessing matriculation certificate, (b) his completing 15 years, of, regular service, or (c) regular combined with continuous adhoc service, and (d) his successfully completing the prescribed Departmental training duration, of, 6 months.

2. The respondents, in the reply filed to the writ petition, do not, contest the afore eligibility criteria, borne in the apposite Recruitment and Promotion Rules, being satisfied by the writ petitioner, however, the respondents contend that the writ petitioner, was, also required to be holding the apposite seniority, and, since he did not, on 29.5.2020, hold the apposite seniority, thereupon, his candidature could not be considered, for being promoted to the promotional post, of, Junior Engineer, from the feeder category, of, Work Inspector. The afore factum, is, carried in the reply/affidavit, filed to the writ petition, hence sanctity, is, to be meted thereto.

3. Since, the promotional post, of, Junior Engineer, wheretowhich the writ petitioner, hence aspires for promotion, is a selection post, and, the criteria, of, seniority, as well as, merit, besides, the qualifications, occurring, in clause-7, of, the Recruitment and Promotional Rules, are, all enjoined to be completely satiated by the writ petitioner, whereas, one, of, the apposite criteria, inasmuch as, his holding the reckonable, seniority, at the roster point, from amongst from the numerical strength, of candidates belonging, of, the cadre, of, Work Inspector(s), is evidently not satisfied, thereupon, he was not amenable, for his being considered, for the promotional post, of, Junior Engineer, from the hitherto post, of, Work Inspector.

4. Consequently, there is no merit in the instant writ petition, and, the same is dismissed. All the pending application(s), if any, are disposed of. No costs.