

(2011) 11 SHI CK 0260
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 9604 of 2008

Parminder Pal Singh and others

APPELLANT

Vs

State of H.P. and another

RESPONDENT

Date of Decision : 21-11-2011

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2011) 11 SHI CK 0260

Hon'ble Judges : V.K. Ahuja, J;Sanjay Karol, J

Bench : Division Bench

Judgement

Justice V.K. Ahuja, J.—Petitioners No. 1 to 3, who were appointed as Clerks on compassionate grounds in the respondent Department on 5.3.1986, 25.7.1986 and 15.1.1986, respectively, had filed the Original Application u/s 19 of the Administrative Tribunals Act challenging the action of the respondents in making amendments to the rules for the post of Senior Assistant. On abolition of the State Administrative Tribunal, the Application was registered as writ petition and is being disposed of by this Court.

2. The grievance of the petitioners is that they were appointed on compassionate ground and the Government has amended the Rules and prescribed the qualification as under:

Provided that those Clerks who have been promoted from amongst the Class-IV employees or appointed on compassionate grounds having the educational qualification Matric pass or Matric in English only and Hindi Rattan pass at the time of such promotion/appointment shall not be promoted to the post of Senior Assistant unless they possess the essential qualification viz. Matric 2nd Division or 10+2 pass as prescribed for direct recruitment.

3. The grievance of the petitioners is that by the amendments of the Rules, they have been debarred from being considered for promotion to the post of the Senior Assistant until and unless they improve their qualifications as

Matriculation 2nd division or 10+2. It is submitted that that by the amendment of these Rules, the chances of the petitioners for promotion have been reduced which cannot be done by the respondents. It was also submitted by the petitioners that since the Rules, as they exist, make them ineligible for the post of Senior Assistant, they may be permitted to make appropriate representation to the respondents for relaxation in the Rules so that they become eligible for consideration to the post of Senior Assistant.

4. Therefore, the present petition is disposed of with the observation that the petitioners are at liberty to make appropriate individual representations to respondent No. 1/competent authority for relaxation of the Rules relating to the promotion of Senior Assistant so that the petitioners become eligible to be considered to the post of Senior Assistant. Such representation shall be filed by the petitioners within a period of four weeks from today and respondent No. 1/competent authority shall dispose of the same within another period of eight weeks thereafter.

5. All the pending applications also stand disposed of.