
(2011) 12 SHI CK 0383
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 12460 of 2008

Partap Chand

APPELLANT

Vs

Himachal Pradesh Board of School Education

RESPONDENT

Date of Decision : 21-12-2011

Acts Referred:

Citation : (2011) 12 SHI CK 0383

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Judgement

Justice Sanjay Karol, J.—Petitioner has prayed for the following relief's:-

(i) That the respondent Board may kindly be directed to consider and provide the promotion to the applicant to the post of Daftri in accordance with the seniority list and entitlement of the applicant w.e.f. 8-1-1988, the date, the junior to the applicant was promoted as such, alongwith all consequential benefits.

(ii) That the respondent Board may also be directed to pay the interest at the rate of 18% per annum to the applicant on the arrears of pay w.e.f. 8-1-1988.

2. Notice in the petition was issued on 23.2.2005. In spite of opportunities afforded to the respondent for filing reply on 23.2.2005, 26.4.2005, 25.7.2011, 28.9.2011 and 2.11.2011 same has yet not been done. In fact on 2.11.2011 following order was passed:-

Though today is last opportunity for the respondent to file reply yet another opportunity is granted in the interest of justice. Now let reply be filed within four weeks and rejoinder, if any, thereto within further two weeks. List on 16.12.2011.

3. It is the petitioner's grievance that even though respondents have accorded benefit of past service rendered by him in the armed forces, yet the same has not been considered for the purposes of according benefit of promotion, in spite of the fact that it was considered for the purposes of fixation of pay scale. It is also his grievance that persons junior to him have been promoted as Daftri

whereas he was ignored.

4. Since the respondents have chosen not to file reply averments made by the petitioner are deemed to be admitted. That part, my attention has been invited to the seniority list (Annexure A-2) wherein names of Sh. Puran Chand (Sr. No. 14) and Pritam Chand (Sr. No. 15) who were appointed on 9.8.1984 and 14.8.1984 respectively were placed above the present petitioner i.e. Sh. Partap Chand (Sr. No. 22) who is shown to be appointed on 11.10.1984. Petitioner made a grievance about the same and respondents, in terms of seniority list (Annexure A-7) circulated vide letter dated 8.1.1992, which now according to the petitioner stands finalized has shown the present petitioner at Sr. No. 1 and Sh. Pritam Chand to be at Sr. No. 6. Petitioner's past service w.e.f. 17.10.75 up to 11.10.84 has been taken into account by the respondents.

5. As such, there shall be a direction to the respondents to consider the petitioner's case for promotion to the post of Daftri from such dates, when persons junior to him were promoted, if he was otherwise eligible and entitled to such promotion in accordance with law. All consequences shall follow. Monetary benefits, due and admissible, if any, shall also be disbursed within a period of three months from the date of receipt of certified copy of the judgment, failing which, then thereafter, petitioner shall be entitled to interest @ 6% per annum which shall be personally recovered from the erring official(s).

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