
(2020) 05 SHI CK 0070
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1585 Of 2020

P.L. Chauhan

APPELLANT

Vs

Union Of India And Another

RESPONDENT

Date of Decision : 28-05-2020

Acts Referred:

Citation : (2020) 05 SHI CK 0070

Hon'ble Judges : L. Narayana Swamy, CJ; Rewal Dua, J

Bench : Division Bench

Advocate : Neel Kamal Sood, Rajesh Kumar Sharma, Ashok Sharma, Adarsh K. Sharma

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. By way of the instant writ petition, the petitioner has sought a direction to the respondents to consider his case for promotion to the post of Principal Chief Conservator of Forests, for which the meeting of the Departmental Promotion Committee (hereinafter referred to as 'DPC') is scheduled to be held on 27th May, 2020, i.e. today.

2. It is the case of the petitioner that in a similar writ petition, i.e. CWP No. 1208 of 2020, titled as Sunil Dutt Sharma & others versus Union of India & others, the writ petition filed by the similarly situated persons, has been disposed of by this Court reserving liberty to the petitioners therein to approach the Central Administrative Tribunal (hereinafter referred to as 'CAT') since the matter was pending before the CAT. The said writ petition has been disposed of directing the respondents to go ahead with the DPC, which has been ordered to be subject to the result of the orders of the Tribunal.

3. Since the petitioner in the instant case is also on same footing, he seeks the same relief, namely, a direction to the respondents to consider his case for promotion to the next higher post. It is his submission that the respondents are

considering the case of 1989 batch appointees whereas the petitioner is of 1988 batch and is eligible and qualified for consideration by the DPC for promotion.

4. Mr. Adarsh K. Sharma, learned Additional Advocate General, submits that the petitioners in CWP No. 1208 of 2020 (supra) had already approached the CAT; the application before CAT was pending and in view of the nature of the prayers made therein, the writ petition was disposed of permitting the petitioners therein to approach CAT. He further submits that in the instant writ petition, the petitioner has filed the writ petition without approaching the CAT, hence this petition deserves to be dismissed.

5. We have heard learned counsel for both the parties.

6. In the strict sense, the petition does not deserve to be allowed since the petitioner has not approached the CAT. However, in view of the fact that the DPC is going to be held today itself, it will be futile if this petition is disposed of reserving liberty to the petitioner to approach CAT. More so, directing the petitioner to approach CAT will virtually amount to rejecting his case for consideration.

7. Taking note of this peculiar situation, we deem it proper to dispose of this writ petition with a direction to respondent-State/DPC to consider the case of the petitioner for promotion in the meeting to be held today, if he is eligible and qualified for consideration to the next higher post and pass appropriate orders, in accordance with law.

8. It is made clear that this case has been treated as a special case in view of the peculiar facts and circumstance that the DPC is to be held today itself.

9. The writ petition is disposed of in above terms, so also the pending miscellaneous applications, if any.

10. Learned Advocate General to communicate the order to the respondent-State/DPC immediately.