

(2010) 06 UK CK 0134
In the Uttarakhand High Court

Pradeep Joshi

APPELLANT

Vs

Chairman, Uttarakhand Public Service Commission and
Others

RESPONDENT

Date of Decision : 15-06-2010

Acts Referred:

Citation : (2010) 06 UK CK 0134

Hon'ble Judges : J.S. Khehar, C.J.;Sudhanshu Dhulia, J

Bench : Division Bench

Judgement

J.S. Khehar, C.J.—Some appointments of personnel working in the Public Service Commission are to be made at the hands of the State Government, whereas some of the appointments have to be made by the Public Service Commission itself.

2. In the supplementary counter affidavit filed at the hands of the State Government, in Paragraph-12, it has, inter alia, been stated as under:

12. That in reply to the contents of para 3-J, it is submitted that only appointments on the post of Chairman, Joint Secretary and Deputy Secretary are made by the Government, rest of the posts in the Public Service Commission are filled up by the Commission itself through concerned service rules. It is stated that at present namely Sri S.K. Das is serving as Chairman and Dr. D.P. Joshi, Dr. Manjula Bist, Sri T.N. Singh and Professor Manjula Rana are serving as members and no post of member is lying vacant. And insofar as the post of Joint Secretary is concerned, against one post of Joint Secretary, Sri D.S. Dharamshaktu, Additional District Judge, Haridwar, was given the Additional Charge as Additional Secretary who but worked till his transfer in January, 2010 and thereafter as against the post of Joint Secretary the Additional Charge as Additional Secretary has been given to Sri Harish Kumar Goyal, Additional District & Sessions Judge, Haridwar and the second post of Joint Secretary is to be filled up from P.C.S. cadre and on account of the shortage of officers in this cadre the posting on the second post is not being possible at present. It is stated that at present the post

of Secretary and post of Examination Controller are filled up and rest of the posts/promotions are to be made by the Public Service Commission itself.

The aforesaid position takes care of appointments which have to be made by the State Government.

3. (i) Insofar as the posts to be filled up by the Public Service Commission are concerned, the highest post in the hierarchy is that of Under Secretary. The total sanctioned strength of the post of Under Secretary in the Public Service Commission is two. Both the aforesaid posts have to be filled up by way of promotion. There are no eligible personnel within the Public Service Commission for promotion to the post of Under Secretary, and as such, the said two posts cannot be filled up at the present juncture. Learned counsel representing respondent Nos. 1 and 2, however, states that the Public Service Commission shall explore the possibility of filling up these posts by way of deputation, for the time being.

(ii) There are a total of ten sanctioned posts of Section Officers, out of which eight posts have already been filled up. The remaining two posts have to be filled up by way of promotion, whereas no one is eligible from within the Public Service Commission to be promoted as such. Learned Counsel representing respondent Nos. 1 and 2 states, that the Public Service Commission shall explore the possibility of filling up of the aforesaid posts by way of deputation till personnel working in the Public Service Commission become eligible for promotion to the posts of Section Officers.

(iii) There are twenty four sanctioned posts of Review Officers, out of which seven posts have already been filled up. Twelve posts out of the remaining posts, which are to be filled up by way of direct recruitment, have already been advertised. The process of selection has already been initiated. It is submitted, that the selection process of the aforesaid posts shall be completed and appointments will be made by 30.9.2010. The remaining five posts of Review Officers are to be filled up by way of promotion. No person within the Public Service Commission is eligible for promotion to the post of Review Officer, and as such, according to the learned Counsel for respondent Nos. 1 and 2, the feasibility of appointing Review Officers by way of deputation against the aforesaid five posts will be examined.

(iv) There are twenty nine sanctioned posts of Assistant Review Officers. At present two of the aforesaid posts have been filled up, whereas twenty five of the said posts have been advertised. It is submitted, that the selection process for the aforesaid twenty five posts will be completed and appointments will be made by 30.9.2010. As against the remaining two posts, which are to be filled up by promotion, no one within the Public Service Commission is stated to be eligible, and as such, it is submitted that the Public Service Commission shall examine the possibility of filling up of the aforesaid two posts by way of deputation till eligible personnel within the Public Service Commission become

available.

(v) There are four sanctioned posts of Typists, out of which two posts have already been filled up. It is submitted, that the remaining two posts have to be filled up, for which an advertisement shall be issued within three weeks from today, and the process of the filling up of aforesaid two posts will be completed and appointments will be made by 15.10.2010.

(vi) There are seven sanctioned posts of Data Entry Operators, out of which three have already been filled up. It is submitted, that the remaining four posts will be advertised within three weeks from today and appointments will be made on or before 15.10.2010. (VII) There are twenty sanctioned posts of Peons, all of which have already been filled up.

4. The order hitherto fore deals with the filling up of the vacant posts in the Public Service Commission.

5. It is the contention of the learned Counsel for respondent Nos. 1 and 2 that since the posts will be filled up in terms of the undertaking given to this Court, as also, the directions issued by this Court hereinabove, as and when a requisition is henceforth made by the State Government for conducting a process of selection for filling up of posts, the same shall be taken up immediately, and the selection process shall be completed without any delay as expeditiously as possible.

6. In view of the statement made by the learned Counsel representing respondent Nos. 1 and 2 and in view of the directions issued by this Court, learned Counsel for the petitioner, states that he does not want to press this writ petition any further.

7. In view of the above, the instant Writ Petition is disposed of. The respondents shall be bound by the undertaking given to this Court, as also, the directions recorded here in above.