
(2020) 07 SHI CK 0045

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 39396 Of 2019-D

Raj Mal

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 23-07-2020

Acts Referred:

Citation : (2020) 07 SHI CK 0045

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Rakesh Kumar Sharma, Somesh Raj, Dinesh Thakur

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. By way of this writ petition, the petitioner has, inter alia, prayed for the following reliefs:

â??(a) The impugned orders contained as Annexure PÂ?3 and PÂ?5 may kindly be quashed and set aside.

(b) That the respondents may kindly be directed to consider claim of the petitioner for further promotion, i.e., Assistant SubÂInspector in the respondent department from the date when he was eligible.â??

2. A perusal of Annexure PÂ5, dated 29.06.2019, which is the order passed by Inspector General of Police, Central Range, Mandi, H.P., on a

representation which was made by the petitioner against adverse remarks recorded in his ACR for the year 2016Â2017, demonstrates that while

rejecting the same, it stood observed by the authority concerned that the course open with the petitioner was to file an appeal, that too, before 30th

September, 2017.

3. Learned Additional Advocate General apprised the Court that even this representation was preferred by the petitioner in the month of June, 2019, i.e., much after the period of filing the appeal had expired.

4. It appears that the petitioner rather than preferring an appeal, filed this writ petition. Keeping in view the fact that a statutory remedy was available to the petitioner, in my considered view, filing of the present petition was unwarranted without exhausting that remedy, as the factual aspects of the matter could have been well gone into by the authority concerned, who was to hear the appeal, as the scope of judicial review in this regard is quite restricted.

5. At this stage, learned counsel for the petitioner submits that the petitioner may be granted liberty to file an appeal in terms of Annexure PÂ5.

6. Having heard learned counsel for the petitioner as well as learned Additional Advocate General, without making any observation on the merits of the case, in the interest of justice, this petition is disposed of with the observation that in the event of the petitioner preferring an appeal in terms of Annexure PÂ5 within a period of 30 days from today, the Appellate Authority shall decide the same on merit. As from the date of filing of the appeal, the same be decided as expeditiously as possible and not later than six weeks as from the date of receipt of the same. It is made clear that limitation will not come in the way of the authority concerned in deciding the appeal on merit, if filed within 30 days from today. Miscellaneous applications, if any, also stand disposed of.