

(2008) 12 AHC CK 0295
In the Allahabad High Court

Rajeev Srivastava

APPELLANT

Vs

State of U.P.& others

RESPONDENT

Date of Decision : 02-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0295

Hon'ble Judges : U.K.Dhaon, J and V.D.Chaturvedi, J

Final Decision : Allowed

Judgement

V.D. Chaturvedi, J.

Heard Sri Upendra Nath Misra, learned counsel for the petitioner, learned Standing Counsel for respondent no.1, Sri Abhishek Yadav, learned counsel for respondents no.2 and 3 and Sri Y.S. Lohit, learned counsel for respondents no.4 to 6.

The petitioner being aggrieved by the order dated 17.02.2007 passed by respondent no.2 by which the promotion has been granted to respondents no.4 to 6 on the post of Deputy Director (Administration/Marketing) has filed the instant writ petition. The petitioner has alleged that his candidature for promotion on the post of Deputy Director (Administration/Marketing) was not considered by the Departmental Promotion Committee on the ground that all the annual entries of the petitioner for the last ten years were not available at the time of consideration. It is admitted case of the parties that respondents no.4 to 6 who have been promoted along with others on the post of Deputy Director (Administration/Marketing) are juniors to the petitioner. It is settled law that an employee has a right to be considered for promotion to the next higher post. The case of the petitioner was considered by the Departmental Promotion Committee and at the time of consideration the entries for the years 1999 2000, 2000 2001, 2002 2003 and 2005 2006 were available only as alleged in the counter affidavit.

We, therefore, direct the respondents no.2 and 3 to reconsider the case of the petitioner for promotion to the post of Deputy Director (Administration/

Marketing) on the basis of entire record within six weeks from the date a certified copy of this order is produced either on the vacant post of Deputy Director (Administration/Marketing) or by creating supernumerary post as the petitioner is senior to the respondents no.4 to 6.