

(2010) 01 JH CK 0032
In the Jharkhand High Court

Ram Dahin Yadav

APPELLANT

Vs

Ranchi University through its Vice Chancellor and Registrar,
Ranchi University

RESPONDENT

Date of Decision : 12-01-2010

Acts Referred:

Citation : (2010) 01 JH CK 0032

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—This writ petition has been preferred mainly for getting Time Bound Promotion from the respondents, mainly for the reasons that the petitioner had been working as a Routine Clerk in the year, 1958 and he has retired as Assistant Registrar in the year, 1998. It is submitted by the learned Counsel for the petitioner that the petitioner has not been given Time Bound Promotion, to which he was entitled in the year, 1971 whereas others have been given Time Bound Promotion and the said list of the employees is referred at Annexure 3 to the memo of petition and, therefore, the petitioner ought to have been given Time Bound Promotion and that too, with effect from 1971.

2. I have heard learned Counsel for the respondents, who has submitted that the petitioner is not entitled for Time Bound Promotion mainly for the reason that the petitioner has been promoted on several occasions. The petitioner was appointed on 2nd January, 1960 as a Routine Clerk and thereafter, he was promoted firstly in the year, 1961 as a Lower Division Clerk and thereafter, in the year, 1963 he was further promoted as Upper Division Clerk and thereafter, in the year, 1975 he was further promoted as Special Assistant and in the year, 1983 the petitioner was further given promotion as Section Officer and thereafter, the petitioner was further promoted in the year, 1989 as Administrative Officer and lastly on 14th May, 1997 the petitioner was further promoted as Assistant Registrar of Ranchi University and, thereafter, the petitioner has retired.

3. Learned Counsel for the respondents further submitted that Time Bound Promotion is given, as per the policy at Annexure A to the counter affidavit, only to those persons/ employees, to whom no selection grade or any promotion has been given. Time Bound Promotion is basically an anti-stagnation measure. If anybody is stagnant on one post and is not getting any promotion nor is getting any selection grade, then only he is entitled for Time Bound Promotion, but, as stated hereinabove, the petitioner has been given more than half a dozen promotions periodically, during his service tenure and, therefore, looking to Clause (iii) of the policy decision, which is at Annexure A to the counter affidavit, the petitioner is not entitled for Time Bound Promotion, as claimed by him, and, thus, this writ petition deserves to be dismissed.

4. Having heard learned Counsel for both the sides and looking to the facts and circumstances of the case, I see no reason to entertain this writ petition, mainly for the following facts and reasons:

(i) It appears from the facts of the case that the present petitioner was initially appointed as Routine Clerk with Ranchi University. Thereafter, the petitioner was promoted on several occasions on several higher posts. The chart regarding different posts and promotions, given to the petitioner, is as under:

Date of first joining Post Promotion date

1. 2.1.1960 Routine Clerk 2. Lower Division Clerk 2.12.1961 3. Upper Division Clerk 1.4.1964 4. Special Assistant 1.11.1975 5. Sectional Officer 17.1.1983 6. Administrative Officer 1.5.1989 7. Assistant Registrar 14.5.1997

In view of the aforesaid promotions, given periodically to the petitioner, it appears that the petitioner is not a stagnant employee on one post.

(ii) It appears from Annexure A to the counter affidavit, especially from Clause (iii) thereof, which is a policy decision of the respondent-State, that if any non-teaching employee of the University of the State of Jharkhand is not getting any selection grade or promotion, then like government employee, he will be entitled to the Time Bound Promotion.

Looking to this policy decision also, it appears that the petitioner is not entitled for Time Bound Promotion, as several promotions, during the service tenure of the petitioner, was given to the petitioner.

(iii) It appears that the Time Bound Promotion is basically an anti-stagnation measure. If any employee is stagnant on one post for years together and is not getting any selection grade or any promotion for any reason whatsoever, he will be given Time Bound Promotion. But, looking to the facts of the present case, after appointment of the petitioner as Routine Clerk, the petitioner has been given several further promotions and lastly the petitioner has retired as an Assistant Registrar of Ranchi University and, therefore, the petitioner is not entitled for Time Bound Promotion.

(iv) Learned Counsel for the petitioner submitted that there are several other employees, who have been given Time Bound Promotions.

(v) Looking to the reply at paragraph No. 8 of the counter affidavit, which reads as under:

That in reply to the statements made in paragraph-9 of the writ application, it is stated that the petitioner is not entitled to the benefits of time bound promotion for the reasons stated in the foregoing paragraphs of this counter affidavit and as such the representation of the petitioner lacks any merit.

It appears that resolution of the meeting dated 22nd November, 2005 and the resolution of the meeting held on 21st February, 2006 have not been approved by the competent authority i.e. by the Vice Chancellor of Ranchi University. Even otherwise also, there is no need to maintain equality in illegality. Looking to the policy decision at Annexure A to the counter affidavit and especially Clause (iii) thereof, under law, the petitioner is not entitled for Time Bound Promotion, because periodically the petitioner has been given different promotions and Time Bound Promotion being an anti-stagnation measure, the petitioner is not entitled for Time Bound Promotion, in view of half a dozen promotions, given to the petitioner.

5. As a cumulative effect of the aforesaid facts and reasons and looking to the policy decision taken by the respondents, the petitioner is not entitled for Time Bound Promotion, as claimed by the petitioner. There is no substance in this writ petition and, hence, the same is hereby dismissed.