
(2011) 05 SHI CK 0068
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 7178 of 2008

Ram Kishan Verma

APPELLANT

Vs

Dr. Y.S. Parmar University and Others

RESPONDENT

Date of Decision : 06-05-2011

Acts Referred:

Citation : (2011) 05 SHI CK 0068

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Judgement

Surjit Singh, J.—Heard and gone through the record.

2. Petitioner had been working as Superintendent Grade-I in the Respondent-University, in the year 2001, when, on 1st August, 2001, a post of Assistant Registrar fell vacant, on account of superannuation of the holder of such post. According to the Rules, copy Annexure A-2, the post was required to be filled by promotion from amongst Superintendents Grade-I. Rules provide for promotion, on the basis of Merit-cum-Seniority principle, which is also known as promotion by selection.

3. It appears that the Respondent-University, while following the instructions, issued by the Government, which are Annexure R-1, wanted to make appointment to the post of Assistant Registrar that had fallen vacant, as aforesaid. As per those instructions, if the merit of a senior employee happens to be assessed one grade lower than that of his junior and the difference of length of service between the senior and the junior(s) is two years or more, then the senior is not to be ignored. Instructions also say that if any person, falling in the zone of consideration, has been assessed "Very Good" during the previous four years, but in the last year he has been assessed "Fair", then the Departmental Promotion Committee may examine whether that assessment was correctly made or it required to be upgraded.

4. Petitioner, apprehending that he may not be selected, in case the aforesaid

instructions of Government were followed, made a representation, copy Annexure A-4. He received a reply from the Respondent-University, calling upon him to explain how did he come to know that the Departmental Promotion Committee was going to be held. This is, however, not a relevant fact for deciding this writ petition.

5. Petitioner then filed an Original Application before the erstwhile H.P. State Administrative Tribunal. Tribunal passed an interim order that during the pendency of the Original Application promotions shall not be made, otherwise than in accordance with Rules Annexure A-2. The aforesaid order was vacated in the year 2007. The Departmental Promotion Committee was held and the Petitioner, having been assessed more meritorious than others, was selected and appointed.

6. Tribunal was abolished and the matter has now come to this Court. Original Application has been re-registered as CWP(T) No. 7178 of 2008, with the Registry of this Court.

7. On account of the Petitioner having been promoted during the pendency of the writ petition, the petition apparently became in fructuous, but learned Counsel representing the Petitioner submits that the Petitioner be directed to be promoted from the year 2002, when the Departmental Promotion Committee was initially held. Her submission is that when the Departmental Promotion Committee meeting was earlier held and merit assessed, in accordance with Instructions, Annexure R-1, that Departmental Promotion Committee was required to be reviewed and no fresh Departmental Promotion Committee was required to be held in 2007.

8. The fact remains that the Petitioner had not been working as Assistant Registrar during the period from 2002, when the first Departmental Promotion Committee was held and 2007, when the Departmental Promotion Committee, on the basis of which he has been promoted, was held. Recommendations made by the Departmental Promotion Committee, in the year 2002, were not given effect to, because the Appointing Authority did not approve of the same. Fresh Departmental Promotion Committee could not be held till 2007, because of the stay order passed by the Tribunal. Effective Departmental Promotion Committee was held in the year 2007, when stay was vacated by the Tribunal. Petitioner was selected. His name was recommended and he had been appointed, in accordance with that recommendation, in the year 2007.

In view of the above stated position, writ petition is disposed of as in fructuous.