

**(2011) 03 SHI CK 0274**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP (T) No. 2006 of 2008**

Saneh Lata

APPELLANT

Vs

H.P. State Handicrafts and Handloom Corporation Ltd. and  
Another

RESPONDENT

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**Date of Decision :** 30-03-2011

**Acts Referred:**

Administrative Tribunals Act, 1985 — Section 19

**Citation :** (2011) 03 SHI CK 0274

**Hon'ble Judges :** V.K. Ahuja, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

V.K. Ahuja, J.—The Petitioner had filed an Original Application u/s 19 of the Administrative Tribunals Act before the erstwhile Tribunal, which has come to this Court on abolition of the Tribunal and registered as a writ petition. A notice of the petition was issued to the Respondents.

2. I have heard the learned Counsel for the parties and have gone through the record of the case.

3. The case of the Petitioner, as alleged in the petition, was that she was Superintended Grade II and was promoted to the said post vide order dated 8.1.1990. There were no averments in the petition in regard to the date of promotion and no copy of the order promoting the Petitioner was placed on record, but it was on the basis of a supplementary affidavit that such averments were made. A copy of the order promoting the Petitioner as Superintendent Grade II is dated 8.1.1990 (Annexure P-8), a perusal of which clearly shows that the Petitioner was promoted as Superintendent Grade II vide this order.

4. The date on which the meeting of the Departmental Promotion Committee was held for promotion to the post of Administrative Officer is 21.5.1992. A copy of the proceedings of the DPC or when it was held is not placed on record, but

Respondent No. 2, who was impleaded subsequently, has alleged the date as 21.5.1992 when he was promoted as Administrative Officer. The Petitioner, admittedly, per R and P Rules required five years experience as Superintendent Grade II to be eligible to be considered for the post of Administrative Officer as per the Recruitment and Promotion Rules. The Petitioner claims that since scales were revised w.e.f. 1.1.1986, she should be considered to have been promoted from the said date i.e. 1.1.1986. These are two different things and the mere fact that the scale were revised w.e.f. 1.1.1986 does not make the Petitioner eligible for being considered for promotion taking date of promotion w.e.f. 1.1.1986. The date has to be considered when she was promoted and that date is 8.1.1990 as per Annexure P-8. The Petitioner claims that the required five years period has to be reckoned from 1.1.1986 which is not correct and it has only to be reckoned from 8.1.1990. On the date when the DPC was held i.e. 21.5.1992, the Petitioner, admittedly, has not completed five years service as Superintendent Grade II.

5. It has been submitted that when the scales were revised w.e.f. 1.1.1986, the post was also re-designated. The mere re-designation from the date of revision of scales does not make the Petitioner Superintendent Grade II from 1.1.1986, which has to be reckoned from the date she was appointed as Superintendent Grade II, which date is 8.1.1990.

6. The Petitioner has placed reliance on draft rules (Annexure P-5), which were never given effect since there is no gazette notification and the Petitioner has only relied upon the draft rules approved by the Board of Directors. There is nothing to show that these Rules were finally approved and adopted by Respondent No. 1 and from which date.

5. The Petitioner had filed the petition alleging that she was eligible to be considered for the post but had not challenged the order vide which the promotions were held after May, 1992. One such promotee i.e. Respondent No. 2 was impleaded subsequently on his application, dated 12.10.1997, but the Petitioner never amended the petition and challenged the order promoting him and other persons as Administrative Officers.

6. Thus, it is clear that, on facts, it cannot be said that the Petitioner was having five years qualifying service as Superintendent Grade II and the facts, as alleged, do not lead to any inference that these Rules were amended and the case of the Petitioner was ignored at any time by Respondent No. 1. The Petitioner has not laid any challenge to the order promoting Respondent No. 2 and other persons as Administrative Officers and nothing has been placed on record that as per the eligibility Rules, the Petitioner was qualified to be appointed as Administrative Officer in the year 1992. No case is made out for considering the case of the Petitioner for appointment as Administrative Officer.

7. The Petitioner approached this Court and did not file any representation against the order ignoring her for the post of Administrative Officer. The

representation referred to by the learned Counsel for the Petitioner (Annexure P-7), dated 26.12.1991, cannot be termed as representation in any manner since it was only mentioned in the said annexure that the post of Administrative Officer is vacant and the Petitioner is eligible and she should be considered for promotion against that post. No representation was made by the Petitioner that her case was not considered or she was ignored or Respondent No. 2 and similarly placed persons were wrongly promoted to the post in question.

8. In view of the above discussion, there is no merit in the petition filed by the Petitioner which is dismissed accordingly, so also the pending application(s), if any.