
(2013) 11 JH CK 0089
In the Jharkhand High Court
Case No : WP (S) No. 413 of 2013

Sita Ram Paswan

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 11-11-2013

Acts Referred:

Citation : (2014) 1 AJR 788 : (2013) 4 JLJR 549

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Kalyan Banerjee, for the Appellant; C.D. Singh, for the Respondent

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The petitioner is an Inspector under the Central Industrial Security Force (C.I.S.F.) who has approached this Court for directing upon the respondents to grant him promotion to the next higher rank as also the benefit of financial upgradation "under MACP scheme.

2. According to the petitioner he was appointed as Assistant Sub-Inspector (A.S.I.) under the C.I.S.F. on 29.12.1975 and posted at various places. The petitioner, thereafter was promoted as Sub-Inspector (M) at the C.I.S.F. unit at Bombay on 13.7.1988. According to the petitioner though the Departmental Promotion Committee meetings have been held from time to time and petitioner become eligible for further promotion from 1990 onwards, but his case has not been considered neither he is being granted promotion. However, juniors to him have been given promotion, thereafter. He belongs to Scheduled Caste Category and qualifies for promotion on the next higher grade, in such circumstances, he has approached this Court in the present writ application.

3. Respondents in their counter affidavit have denied the claim of the petitioner. It is stated on their behalf that earlier the petitioner attended the Promotion Cadre Course for consideration for promotion from A.S.I./Clerk to S.I./Min. w.e.f.

9.2.1987 to 4.4.1987 and failed. Thereafter, he was granted relaxation for passing Promotion Cadre Course in terms of Rule 19 of the C.I.S.F. Rules, 1969 and promoted to the rank of S.I. (Min.) on 13.7.1988 and was assigned seniority position at serial No. 485 against the year 1986. He was again detailed for Promotion Cadre Course for being considered for promotion on the post of Inspector/Min. w.e.f. 6.11.2000 to 30.12.2000 and he failed. Thereafter, on being declared qualified in supplementary test in April 2001 he was promoted to the rank of Inspector/Min. on 23.11.2001.

4. However it is submitted that because he failed to qualify in the Promotion Cadre Course held earlier he could not be promoted to the post of S.I./Min. earlier. The petitioner again attended the Pre-Promotion Course for consideration for promotion from Inspector/Min. to Assistant Commandant (JAO) at Hyderabad w.e.f. 7.2.2011 to 19.3.2011 and declared not qualified having failed in paper-I and III. Again he attended supplementary test held in June 2011 and also was declared not qualified having failed in paper-I. Till date the petitioner has not qualified the Pre-Promotion Course which is pre-requisite for promotion to the rank of Assistant Commandant/JAO. The D.P.C. again considered the case of the petitioner in its meeting held in January, 2012 and November, 2012 under the aegis of U.P.S.C. which however declared him unfit due to punishment imposed upon him. The imposition of punishment upon the petitioner have also been indicated at para 9 of the counter affidavit which ranges from 1990, 1996, 2003, 2008 and 2010. In such circumstances, learned counsel for the respondents submitted that even with regard to the claim of the petitioner for grant of MACP, the Screening Committee from time to time considered the petitioner's candidature and found not fit having failed in service record. In these background learned counsel for the respondent-State submits that the petitioner is not entitled for any promotion, though his case has been regularly considered and found unfit.

5. I have heard counsel for the parties and gone through relevant materials on record. The facts which have been brought on record by way of counter affidavit filed on behalf of the respondent-State and indicated herein above shows that the petitioner's case was considered at regular interval for promotion to the next higher rank post of Inspector and, thereafter to the post of Assistant Commandant (JAO). But because of his failing in the Promotion Cadre Course earlier he could not get promotion till 2001 to the post of Inspector. Thereafter, he again failed in Promotion Cadre Course for being considered for promotion to the post of Assistant Commandant. The petitioner has also been imposed with number of punishment at regular interval as would appear from para 9 of the counter affidavit.

6. In such circumstances, the petitioner's case appears to have been considered by the respondents from time to time but he has been found unfit for promotion. Petitioner can only have a right to be considered for promotion and not a right to be granted promotion. In that view of the matter, petitioner has failed to make

out a case for interference in this case. Accordingly, the writ petition is dismissed.