

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

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D.B. CIVIL SPECIAL APPEAL NO.97/1998
Ram Gopal

Versus

The State of Rajasthan and ors.

Date of Order : 27.2.2006

PRESENT

HON'BLE MR.RAJESH BALIA, J.

HON'BLE MR. JUSTICE R.P. VYAS

Mr.M.S. Singhvi, for the petitioner
Mr.L.R. Upadhyaya, for the respondents.

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Heard the learned counsel for the parties.

The appellant - petitioner had been promoted as Tehsildar vide order dtd.12.3.1991 (Annex.1) on the recommendation of Departmental Promotion Committee which was subject to review and revision. In this, the promotion was given by the DPC constituted for considering the cases against the vacancies of the year 1993-94. Subsequent thereto, the petitioner was ordered to be reverted vide order dtd.21.12.1993 (Annex.2) and

ordered to be posted as Naib Tehsildar. This led to filing of the writ petition inter alia on the ground that case of the petitioner was considered by the DPC by relying on uncommunicated ACR. It was also brought before the Court that after consideration of his representation, the adverse entries had been deleted substantially and in certain departmental proceedings which were going on against the petitioner, he was ultimately exonerated. In view of aforesaid position, the Court directed holding of review DPC in the case of the petitioner. However, the learned Single Judge declined to interfere with the order of reversion. Hence, this appeal by the petitioner to the extent reversion order was not interfered with.

The order of reversion was stayed during the pendency of the writ petition and the Division Bench has also passed interim order in favour of the petitioner and in view thereof the petitioner continued to hold the post of Tehsildar.

The State has not appealed against the judgment of the learned Single Judge. In view thereof, to clarify current standing of the petitioner, vis-a-vis his selection for the post of Tehsildar by promotion, we directed the learned

counsel appearing for the State to inform the result of review DPC as well as of subsequent DPCs if any held since 1993-94.

Now the order passed on convening review DPC has been placed on record by the learned Government advocate today. The order is dated 23.3.2005 and it appears that review DPC in compliance of Court's directives have been held quite late. As per the order dtd.23.3.2005, the petitioner was ultimately found suitable for regular promotion against the vacancies of the year 1995-96 and he has been promoted on substantive basis against that vacancy and has also been assigned seniority on that basis. Said order also informs why the petitioner has not been promoted for earlier year. In the aforesaid circumstances so far as petitioner's continuance on the post of Tehsildar is concerned, he is not liable to be disturbed and therefore, relief against the reversion has become infructuous in as much as the petitioner has continued to discharge the duties as Tehsildar during pendency of these proceedings and he has also been found suitable and selected against the vacancies of the year 1995-96 on the post of Tehsildar and in that respect orders have also been issued. Therefore, the reversion of the

petitioner effectively having not taken place, so far and he cannot now be reverted as Naib Tehsildar. Hence, the question of validity reversion as a result of he having not been selected at the initial stage against the vacancies of the year 1993-94 need not to be examined.

However, since the order dtd.23.3.2005 revealing information about proceedings through which the petitioner has been selected against the vacancies of the year 1995-96 has been placed on record for the first time, the appellant, if he is aggrieved by assignment of year of his promotion, he is free to proceed with his remedy in accordance with law.

Subject to aforesaid, the appeal is dismissed as having become infructuous.

No order as to costs.

(R.P.VYAS),J.

(RAJESH BALIA)J.

SS/-

