

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. Civil Writ Petition No.5604/08

Smt. Shuchi Sharma **Versus** UOI & Ors.

DATE OF ORDER : 30/05/2008

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Virendra Lodha, for petitioner

Instant petition has been filed with respect to promotions made by the review DPC for selection scale of RAS for the year 1986-87 to 1996-97 vide order Ann.8 dated 12th May, 2008.

Bone of contention of counsel for petitioner is that she has been promoted on the recommendation of DPC on the basis of merit against the quota of 1996-97. But, at a later stage, while passing order impugned, persons junior to her have been recommended against the merit quota and upto the year 1996-97 her name has not been recommended and there is a specific note that she will continue on adhoc basis till their year of promotion to selection scale is decided.

On a specific question put to the counsel that so far as promotion matters are concerned, remedy is provided to the incumbent of filing appeal before the Tribunal under the Act, 1976.

Counsel submits that Tribunal is not functioning at present.

Merely because the Tribunal is not functioning at the present moment that will not

make her entitle to invoke extraordinary jurisdiction of this court.

In opinion of this court, in such like matters petitioner has an efficacious remedy of appeal before the Tribunal where the inter se merit can be evaluated after summoning the record from the government.

In view of alternative remedy available to petitioner, this court is not inclined to exercise inherent jurisdiction available under Article 226 of the Constitution.

Consequently, the writ petition stands dismissed. However, petitioner will be at liberty to file appeal before the Tribunal, if so advised.

[AJAY RASTOGI], J.