

WP(C) 5264/2004

BEFORE

THE HON'BLE MR. JUSTICE B.K. SHARMA

Heard Mr. S.K. Barthakur, learned counsel for the petitioner as well as Ms. R. Chakraborty, learned Additional Sr. Govt. Advocate, Assam for the respondents.

By means of this writ petition, the petitioner has prayed for a direction to the respondents to include his name in the gradation list and to make provision for promotion in accordance with law.

In the counter affidavit filed by the respondents, the stand taken is that the post of Assistant Weaving Master being held by the petitioner is an ex-cadre post. It is on that count the name of the petitioner has not been shown in any gradation list. It is the further stand of the respondents that the post of Assistant Weaving Master is the single ex-cadre post.

The petitioner has placed reliance on the order dated 14.11.2000 passed by this Court in Civil Rule No. 1339/1997. That was a case pertaining to the same department. The petitioners therein were working as Master Dyres, their names were also not included in the gradation list. Accordingly direction was issued to include their names in the gradation list as per the rules that may framed by the Government of Assam. It was also provided that their cases for promotion should also be considered.

The petitioner was appointed to the service of the respondents way back in the year 1989. By now long 20 years have elapsed. If denial of promotion and other service benefits to the petitioner is in view of the fact that he is holder of an ex-cadre post, the respondents should take appropriate steps to en-cadre the post and/or to place the petitioner in appropriate cadre post. It is no longer res-integra that an employee should be provided promotional avenue and he cannot be made to stagnant for the entire service carrier. The respondents should also consider that aspect of the matter.

In view of the above and in tune with the said order dated 14.11.2000 passed in Civil Rule No. 1339/1997, this writ petition is disposed of with the direction to the respondents to seriously consider the case of the petitioner consistently with the observations made above. Entire exercise shall be carried out as expeditiously as possible.

With the above direction, writ petition stands disposed of.