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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

IN

S. B. Civil Writ Petition No. 5897/1997

D. N. Pandey Vs. The Ajmer
Vidyut Vitran Nigam Ltd. Ajmer
through Chairman and MD

Date of Order ::: 26.02.2010

Present

Hon'ble Mr. Justice Mohammad Rafiq

Shri Prahlad Singh, Counsel for petitioner
Shri Abhay Jain for
Smt. Parinitoo Jain, Counsel for respondent
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By the Court: -

This writ petition was filed by petitioner questioning order of his reversion dated 29.09.1997 to the post of Assistant Engineer on which he was originally promoted by order dated 13.03.1987. While Shri Abhay Jain, holding brief of Smt. Parinitoo Jain, learned counsel for respondent Board, submits that original order of promotion of petitioner was made purely on adhoc/temporary/officiating basis for a period of one year or till candidate selected by the Selection Committee were made available.

Shri Prahlad Singh, learned counsel for petitioner, submits that promotion of petitioner was for all practical purposes

treated by respondent Board on regular basis which is evident from fact that so many others promoted by similar order were also treated as regular promotees and case of such promotees including that of petitioner was further considered for promotion to the post of Executive Engineer and petitioner was also considered for promotion to the post of Executive Engineer and was eventually promoted as Executive Engineer. Petitioner was promoted on the post of Executive Engineer on 01.01.2008 on recommendation of duly constituted Departmental Promotion Committee and upon completion on satisfactory completion of period of probation his increment was released vide order dated 06.10.2009.

Shri Abhay Jain, Learned counsel for respondent, submits that he was considered for promotion on account of interim order passed by this Court on 24.10.1997 by which reversion of petitioner was stayed and that at the relevant time eight departmental enquiries were pending against him, out of which two were involving major penalties and six were involving minor penalties.

Learned counsel for petitioner has rejoined and submitted that there was no

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direction of this Court to respondent to consider case of petitioner for promotion as Executive Engineer and that not only petitioner but several others promoted on adhoc/temporary basis initially like petitioner, were also treated by respondent having been promoted on regular basis and accordingly their cases likewise him for promotion were considered and they were also promoted. If respondents treated petitioner to have been promoted on adhoc/temporary basis, there was no compulsion on them to consider the case of petitioner and several others for promotion.

In that scenario, learned counsel for petitioner would submit that petitioner may not press writ petition reserving however liberty to again approach the Court if respondent decides to reopen the case of his promotion to the post of Executive Engineer.

The writ petition is accordingly disposed of. There shall be no order as to costs.

(Mohammad Rafiq) J.

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