

CMP No. 8559 of 2011
in CWP-T No. 2002 of 2008

31.08.2011 Present: Mr. Hamender Chandel, Advocate, for the applicant.

Mr. Vivek Singh Thakur, Additional Advocate General, for respondents No. 1 and 2.

CMP No. 8559 of 2011

This is an application for modification of the directions issued in para 14 of the judgment passed in CWP-T No. 2002 of 2008, which reads as follows:

“In this case, when the petitioner had filed the original application the DPC had not been held and the learned Tribunal permitted the DPC to be held and directed that the result be kept in a sealed cover. The result of the petitioner will be accordingly opened and in case he is found suitable he shall be granted promotion from the date when respondent No. 3 was promoted with all consequential benefits. The needful be done on or before 30th September, 2011 and in case the petitioner is found entitled to promotion he shall be granted all monetary benefits latest by 31st December, 2011 failing which the State shall be liable to pay interest @ 12% p.a.”

It is pointed out that in fact, the petitioner was never considered for promotion by the DPC since he was a Personal Assistant and therefore, not considered to be falling in the feeder category. This Court vide its judgment has held that the PAs would also fall in the feeder category for promotion to the post of Superintendent Grade-I. It is apparent that there is an error in para 14, which is accordingly corrected and para 14 after correction shall read as follows:

“In this case, when the petitioner had filed the original application the DPC had not been held and the learned Tribunal permitted the DPC to be held and directed that the result be kept in a sealed cover. The petitioner was, however, not

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considered for promotion since according to the State, he did not fall in the feeder category. Therefore, the respondents are directed to convene a review DPC and to consider the petitioner for promotion at the relevant time and in case, he is found suitable, he shall be granted promotion from the date when respondent No. 3 was promoted with all consequential reliefs. The needful be done on or before 31st December, 2011 and in case the petitioner is found entitled to promotion he shall be granted all monetary benefits latest by 31st March, 2012 failing which the State shall be liable to pay interest @ 12% p.a.”

Para 14, as existing originally, shall be substituted as above. The application stands disposed of.

(Deepak Gupta)
Judge

August 31, 2011
(rajni)