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Court : Madhya Pradesh

Decided On : Feb-07-2001

Reported in : 2001(4)MPHT348

Judge : J.G. Chitre, J.

Acts : Service Law; [Constitution of India](#) - Article 226

Appeal No. : Writ Petition No. 820/2000

Appellant : Mridula Chincholikar and ors.

Respondent : indore Development Authority and ors.

Advocate for Def. : S.C. Bagadia, Sr. Adv., i/b., D. Chabda, Adv., ; K.N. Puntambekar, Govt. Adv. and ;A.K. Sethi, Adv.

Advocate for Pet/Ap. : C.B. Patne, Adv.

Disposition : Writ petition dismissed

Judgement :

ORDER

J.G. Chitre, J.

1. The petitioners are venting out their grievances of not getting promotion, by way of presentation of this writ petition challenging the order Annexure R-I by which

respondent 3 Smt. Amita Makwana has been promoted to the post of P. A/Steno on pay scale of Rs. 8000-275-13500 in view of the decision taken by D.P.C. held on 5-1-2000.

2. Shri C.B. Patne, counsel appearing for the petitioners submitted that in view of Annexure P-11, Notification of M.P. State dated 30th May, 96 published in Official Gazette dated 1-6-96, the State of M.P. categorised the cadre of the State Employees which included public relation officer at S. No. 14 falling in category or 'Gazetted Officer Clause II. It further pointed out that senior stenographer falls in the cadre of Clause III employees and get pay scale of Rs. 1640-2900. In view of that, it is submitted by Shri Patne that respondent No. 1 I.D.A. illegally promoted respondent 3 Smt. Makwana to the post of P.A./Steno at the pay scale of Rs. 8000-275-13500. Shri C.B. Patne submitted that no post is in existence as 'P.A./Steno' and, therefore, Smt. Makwana could not have been so promoted. He also submitted that without considering the claim of the petitioners, Smt. Makwana has been promoted to the post of P.A./Steno, unauthorisedly and without following the due process. He submitted that by issuing an appropriate writ, the said order be quashed.

3. Shri A.K. Sethi, counsel appearing for respondent No. 1 submitted that a D.P.C. was held on 5-1-2000 in which Commissioner, Indore Division, Joint Director, Nagar Tatha Gram Nivesh, Division Indore, Incharge, Chief Executive Engineer, I.D.A. were present and by elaborate discussion and after recording elaborate minutes of the meeting, they decided to promote Smt. Makwana, respondent No. 3 to the post of P.A./Steno. Shri A.K. Sethi further submitted that such post is in existence and, therefore, it has been filled in by promoting Smt. Makwana. He pointed out that the criteria 'Seniority/Utility' was followed and that was in the larger interest of I.D.A. and its business. He supported the said order by submitting that nothing wrong, nothing illegal has been done by I.D.A.; therefore; W.P. needs to be dismissed.

4. Shri Bagadia, Sr. Advocate submitted that Mrs. Makwana has been promoted to the existing post by a D.P.C. by following a due process and keeping in view the provisions of necessary rules. He pointed out that before Mrs. Makwana, Shri

Gothewal, Shri Chaturvedi, Shri Jain and Shri B.L. Chouhan, were working on the said post and when they were so working, when they were so drawing salary, the petitioners never raised any objections whatsoever. He further submitted that the utility indicates that the person should be able to work as P.A. as well as Steno and said promotion has been awarded to Mrs. Makwana after considering the desire of the petitioners. Therefore, now it can not lie in their mouth to say that they were not considered for this post.

5. All the petitioners are Stenographers in Hindi. Keeping in view the work which is to be done by the Officers of I.D. A., they would be requiring a person who would be knowing English Stenography. Said post has been created for the purpose of meeting the needs of I.D.A. and, therefore, such institution would be having all powers and authority to select an appropriate person for the said work. When utility comes in picture, the institution will have to consider a person who would be of useful for the purpose of discharging duties affiliated to the said post.

6. A P.A. is supposed to perform duties including filing, maintenance of files, liaison with the Officers quo other departments and should have the capacity of corresponding appropriate in English also. Such institutions can have the business relation with other States also where English is prevalent in practice. How such institution can afford to have a P.A. who knows only Hindi Stenography? The work can not be sacrificed, only for the purpose of maintaining love and affection for a particular style of Stenography only. The institutions are required to have a proper approach for the purpose of doing its business and function to execute the purpose for which it has been created and that leads it to the last goal of public services.

7. Therefore, creating such a post is not violative of any fundamental right and is not a departure from reasonable and legal practice. When such post has been created, when a D.P.C. was requested to take an action for promoting the incumbent for such post, how petitioners can challenge it and that too after a lapse of significant time? They will have to either thank themselves or blame themselves for such laches, in addition to the point where they are losing the battle on merits.

8. Thus, there is no substance in the petition and, therefore, it has been decided finally at motion hearing stage. Result is dismissal. However, keeping in view that petitioners are lower ranked employees, no order as to the costs.

9. Writ Petition dismissed.

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