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Khem Chand Vs. M.C.D.

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Court : Delhi

Decided On : May-15-1998

Reported in : 73(1998)DLT465; 1998(45)DRJ637

Judge : M.K. Sharma, J.

Acts : Service Law

Appeal No. : C.W.P. No. 4824/1993

Appellant : Khem Chand

Respondent : M.C.D.

Advocate for Def. : Avnish Ahlawat, Adv.

Advocate for Pet/Ap. : Sarvesh Bisaria, Adv

Disposition : Petition dismissed

Judgement :

M.K. Sharma, J.

1. This petition is filed by the petitioner claiming ante-dated promotion from the post of Senior Pharmacist to Head Pharmacist.

2. The petitioner was given promotion to the post of Senior Pharmacist on 17.6.1994. The petitioner has filed the present petition on the hope that his writ petition claiming promotion to the post of Senior Pharmacist from a retrospective date somewhere in 1984 would be allowed by this Court and, thereforee, he would be entitled for promotion to the post of Head Pharmacist from a retrospective date.

3. By my judgment and order delivered today, I have dismissed the writ petition filed by the present petitioner seeking his promotion to the post of Senior Pharmacist with retrospective date registered as C.W.P. No. 1784/1991.

4. As of today, the respondents have not notified the final Recruitment Rules governing policy of promotion to the post of Head Pharmacist. However pending finalisation of the Recruitment Rules, the respondents decided to fill up the posts of Head Pharmacist on ad hoc basis as four posts of Senior Pharmacist were upgraded to Head Pharmacist on 4.8.1993.

5. As per the draft Recruitment Rules, the post of Head Pharmacist is to be filled up through the mode of selection of 100% by promotion from Senior Pharmacist with three years service in the grade. The petitioner satisfied the criteria only in the year 1997 as he was promoted to the post of Senior Pharmacist in the year 1994. He was, thereforee, considered and promoted to the said post on 1.4.1998.

6. The respondents have also clarified that according to the new roster for promotion issued by the Government of India and applicable from July, 1997, roster point vacancy for the Scheduled Caste candidate would be only at 7th post. However, the case of the petitioner for promotion was considered and he was promoted as the Board decided to extend the benefit to the petitioner as his case was under consideration.

7. Thus, there could be no further grievance of the petitioner in respect of his promotion to the post of Head Pharmacist and the writ petition stands dismissed as such, but, without cost.

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