

Dulha Ram Vs. the State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Feb-20-1984

Reported in : 1984WLN(UC)370

Judge : K.S. Lodha, J.

Appeal No. : S.B. Civil Writ Petition No. 186 of 1975

Appellant : Dulha Ram

Respondent : The State of Rajasthan and ors.

Judgement :

K.S. Lodha, J.

1. The petitioner Dulha Ram had filed this writ application asking for the following reliefs:

(a) By an appropriate writ order or direction the non-petitioners Nos. 1 to 4 be directed to consider the petitioner's case for promotion to the post of Tehsildar and confirmation on the post of Naib Tehsildar according to the law and accord the promotion on the respective post from the date from which he is found entitled to the same according to the law with all consequential benefits.

(b) The petitioner be treated to have been confirmed on the post of Naib Tehsildar and promoted to the post of Tehsildar from the earliest date on which the juniors to

the petitioner were confirmed and promoted and for that purpose if need be the appointment and promotions accorded to the non-petitioners Nos. 5 to 102 be quashed and set aside.

(c) That while considering the candidature for the posts of Naib Tehsildar and Tehsildar in the ensuing Departmental Promotion Committee the illegal appointments and promotions accorded to the non-petitioners Nos. 5 to 102 may not be taken into consideration and on this count they should not be allowed to march over the petitioner.

(d) That by an appropriate writ, order or direction in the nature of Quo Warranto the non-Petitioners Nos. 5 to 11, 14, 18, 19 23, 24, 26 to 34, 35, 37. 40, 45, 48, 50, 51,52, 57, 59, 62, 61, 67, 70, 72, 74, 80, 87, 89. 90, 97 and 100 to 102 may be ousted from the office of Naib Tehsildar/Tehsildar.

(e) That the non-petitioners Nos. 1 to 4 be directed to include the name of the petitioner in the Seniority List Ex. 4 at a proper place and to consider the petitioner's candidature against the 30% quota after including his name in the said Seniority List.

(f) That while making the selection the selection list prepared by the Departmental Promotion Committee and approved by the Rajas-than Public Service Commission in the year 1959 be given due regard and appointments by way of promotion be given accordingly.

(g) Any other appropriate writ, order or direction which may be considered just and proper in the circumstances of the case may be granted.

2. This writ application was filed while he was working as a Naib Tehsildar. Later in pursuance of an order of the Rajasthan Civil Services Appellate Tribunal, he was promoted as a Tehsildar and thereafter he superannuated. In these circumstances, during the course of arguments of this writ application, the learned Counsel for the petitioner suggested that if the opposite parties consider the case of the petitioner for promotion as a Tehsildar vis a vis his next junior Shri Han' Ram who was promoted as a Tehsildar in 1969, he would be satisfied. The

learned Deputy Government Advocate assisted by the learned Deputy Registrar agrees to this suggestion. He, however, stated that the exact date when Shri Hari Ram was promoted as Tehsildar is not readily available to them at present but if the case of the petitioner for promotion as Tehsildar had not been considered at the time when Hari Ram's case was considered, they will consider the case of the petitioner vis a vis the non-petitioner No. 6 Shri Hari Ram and further that if he is found fit for promotion when Shri Ram was so promoted, he will be given his due. The learned Counsel for the petitioner is agreeable to this.

3. In view of this agreement, I need not state the facts of the case.

4. I therefore, partly allow this writ application and direct that the non-petitioner No. 2, the Board of Revenue will consider the case of Dulha Ram petitioner for his promotion vis a vis Shri Hari Ram non-petitioner No. 6 when he was promoted on the basis of the material available on the personal records of the petitioners at that time, if the case of the petitioner had not been considered at that time. If on such consideration, the petitioner Dulha Ram is found fit for promotion at that time, he will be entitled to all the benefits to which he would have been entitled had he been so appointed at that time. Six months' time is allowed to the Board to consider the matter in this light.

5. In the circumstances there will be no order as to costs.

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