

Suraj Bhan Vs. State

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Court : Rajasthan

Decided On : Jan-06-1992

Reported in : 1992(1)WLN7

Judge : Rajesh Balia, J.

Appeal No. : S.B. Civil Writ Petition No. 1181 of 1990

Appellant : Suraj Bhan

Respondent : State

Judgement :

Rajesh Balia, J.

1. Petitioner has contended that he is senior most Supervisor in the Ground Water Department as per the tentative seniority list dated 12/1/1983 after taking into consideration those promotions which have already been accorded to persons senior to him shown in the list. He has filed this petition for seeking mandamus that persons junior to him, may not be accorded promotion to the post of A.En.

2. In reply, it has been admitted that eleven vacancies were lying and those vacancies, were created for according promotion to the Supervisor/Foreman on the posts of A.En. amongst those persons because there was no promotional avenue available to them. It is also not disputed that petitioner falls in the category

of those persons for whose benefits, the vacancies has been created. It is also admitted by the respondents in para 6 of their return that the petitioner is full eligible to be appointed as A.En. and is at par with the Diploma-holder and has acquired eight years' experience which he is required to possess before considering him for promotion. While the petitioner's position in the tentative list is not disputed, it has been stated by the respondents that the promotions will be made only in consonance with the final seniority list and not on the basis of tentative seniority list. It is common ground that till today, no final seniority list has been published. It has been brought to the notice of the Court that on the one hand, though no final seniority list has been published yet promotions are being accorded on the post of A.En. from amongst Supervisors and persons on adhoc basis and persons junior to the petitioner have been so promoted. Petitioner has filed an affidavit to that effect.

3. In the aforesaid circumstances, I deem it just and proper to direct that until final seniority list is prepared and published, if any promotions, adhoc or regular, are being made, they be made strictly in accordance with the existing tentative seniority list, if there is no other impediment on promoting the person concerned when his turn comes in accordance with the seniority.

4. With the aforesaid observations, the writ petition stands disposed-off.

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