

State Vs. Shree Ram Verma

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Court : Rajasthan

Decided On : Aug-01-1994

Reported in : 1994(2)WLN600

Judge : G.C. Mital, C.J. and; R.S. Verma, J.

Appeal No. : D.B. Civil Writ Petition No. 3268 of 1994

Appellant : State

Respondent : Shree Ram Verma

Disposition : Petition dismissed

Judgement :

G.C. Mittal, C.J.

1. The respondent No. 1 was bye passed while making promotions; he felt aggrieved and, therefore, moved the matter before the Rajasthan Civil Services Appellate Tribunal. The Tribunal after considering the matter came to the conclusion that there is no reason assigned for superseding the respondent, and it allowed the appeal, and gave him benefit of promotion directing that a new D.P.C. be convened and the case of the respondent be considered. Before the new D.P.C. could meet to consider the case of the respondent, the State of Rajasthan has come to this Court in writ petition against the order of Tribunal.

2. We had sent for the record of the case relating to the regular selection by D.P.C.
3. We have got the record and after going through the same find that the name of respondent No. 1 was there before the D.P.C. but no reason has been provided in the proceedings of the D.P.C. as to why the respondent was not considered fit for promotion.
4. It is submitted by the learned Counsel before us that there was one adverse entry against him. We have seen that adverse entry. It is yet to be seen as to whether that entry can be called adverse or not. We are not expressing any opinion, but we may say that when his name was considered by the D.P.C., process of reasoning or application of mind had to be indicated at, the time of D.P.C. meeting as to why he is not being promoted or as to why his promotion is being withheld. They did not say that they were withholding promotion on account of adverse entry. This is the minimum requirement of law which is being enunciated by courts from time to time and this law is being observed in breach.
5. Even before us, the learned Counsel for the State says that D.P.C. do not give their reasons when Somebody is ignored or withheld from promotion. This is not the correct state of law. D.P.C. is not to write a long judgment but whatever occurs in their mind to withhold promotion, that must be indicated in the proceedings of the D.P.C, so that in case the matter is challenged before a Court of law, the Court can see what appealed to the mind of D.P.C. for not giving promotion.
6. Copy of this order may be sent to the Chief Secretary to the Government of Rajasthan so that he may be able to advise all authorities and Departments keep this in view while sitting in D.P.C.
7. In view of the aforesaid observations, this writ petition is devoid of merit, and is dismissed.