

Madan Singh and ors. Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Jan-04-2010

Judge : Prakash Tatia, J.

Appellant : Madan Singh and ors.

Respondent : State of Rajasthan and ors.

Disposition : Petition dismissed

Judgement :

Prakash Tatia, J.

1. Heard learned Counsel for the petitioners.
2. Since common question of facts and law are involved in the aforesaid writ petitions, therefore, the facts of SBCWP No. 10596/2009 are taken for deciding this bunch of writ petition by this common order.
3. According to the petitioner after due selection he was given appointment vide order dated 15th March, 1995 on the post of Constable. In the select list their name was assigned at S. No. 16 whereas the respondent Saddique Mohd. was at S. No. 20, however, while publishing the tentative seniority list dated 1.4.2009 (Annex. 3), he has been assigned the seniority No. 248 and junior to him respondent Saddique Mohd. has been given seniority No. 233. It is submitted that

no objections were invited against the seniority list and final seniority list was published, copy of which has been placed on record as Annex. 4. In the said final seniority list, the petitioner has been shown junior to respondent who in fact is junior to the petitioner. The respondents now have initiated the process for giving promotion by issuing notice dated 1.10.2009 (Annex. 5).

4. According to learned Counsel for the petitioner the process of giving promotion is prescribed under Part-V of Rule 26 of the Rajasthan Police Subordinate Service Rules, 1989. Because of the wrong assignment of the seniority to the petitioner, he is not likely to call for consideration of his case for promotion to the post of Head Constable.

5. According to learned Counsel for the petitioner, since petitioner has challenged the process of appointment initiated vide Annex. 5 dated 1.10.2009, therefore, he cannot approach the Rajasthan Civil Services Appellate Tribunal as the appointments cannot be challenged in appeal before the tribunal.

6. I considered the submissions of learned Counsel for the petitioner and perused the facts of the case.

7. The petitioner's first grievance is that he has been assigned the seniority wrongly and that can be challenged before the service appellate tribunal. The petitioner is also seeking to challenge the likely promotion to be given on the basis of the finally seniority list and he is not challenging any direct appointment and in fact, his grievance is that if promotion is given then that promotion will be contrary to the rules as petitioner has been assigned the seniority wrongly. The issue is entirely a service matter, which can be considered and decided by the tribunal and therefore, this Court is not inclined to entertain the writ petition in view of the bar of effective alternative remedy.

8. Hence, the writ petitions of the petitioners are dismissed. itself.