

Joginder Kumar Singh Vs. State and ors.

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Court : Jammu and Kashmir

Decided On : Apr-20-2009

Judge : H. Imtiyaz Hussain, J.

Appellant : Joginder Kumar Singh

Respondent : State and ors.

Disposition : Petition dismissed

Judgement :

H. Imtiyaz Hussain, J.

1. Petitioner was appointed as constable in the State Police Department on 10.12.1998. He states that he has undergone training and also done trade test of Mechanic, result of which was declared on 28.4.2000. He secured 453 marks while respondents 8 & 9 secured 433 marks each. The petitioner further states that he has also undergone pre-promotion course for promotion to the post of Havaladar result of which was declared vide order No. 250 of 2003 dated 9.8.2003. The petitioner states that he is senior most but his juniors i.e. respondents 8 and 9 have been given promotion to the post of Selection Grade Constable vide order dated 27.2.2004. The petitioner further case is that he belongs to reserve category as such was entitled under the provisions of SRO 126 of 1994 to get the promotion to the higher post. He has, therefore prayed for quashment of the said order under which promotion has been granted to the respondent Nos: 8 & 9 and has also

prayed for a direction to the respondents to promote him to the post of Selection Grade Constable with retrospective effect.

2. The official respondents have in their detailed reply stated that the case of the petitioner and respondents was considered by the Departmental Promotional Committee. All the deserving candidates have been considered fairly and objectively by the Committee. The petitioner has been given due consideration by the DPC and has been treated at par with respondents 8 & 9. The petitioner, however, could not qualify for the post of Head Constable. It is further stated that neither pre-promotion course nor seniority is pre-requisite for promotion as SGCT but the promotion is granted only on the recommendations of the DPC. The petitioner was duly considered for inclusion in list A of 2004 but was not brought in promotion list as he failed to secure the qualifying marks in the DPC. In these circumstances, contend the respondents, no benefit under SRO 126/94 can be extended to the petitioner as he has failed to obtain the requisite marks in the DPC.

3. Heard. I have considered the matter.

4. The respondents have taken a specific stand that the petitioner was considered for promotion to the higher post alongwith all other eligible candidates including respondents 8 & 9 . It is further stated that the petitioner could not obtain the qualifying marks. These facts have not been denied by the petitioner as no reply has been filed by him to the objections of the respondents. The stand taken by the respondents, therefore, remains unrebutted.

5. In these circumstances and in view of the fact that the petitioner could not qualify for the higher post as was not found fit for promotion by the Departmental Promotion Committee there appears no ground for admission of the present petition.

6. The petition is, therefore, dismissed.