

GAHC040017092023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/603/2023

Indrasish Paul
Senior Technician (SPV), Office of the Project Officer, APEDA, Hayuliang, Sub
Division, District Anjaw, Arunachal Pradesh.

VERSUS

The State of AP and Anr.
represented by Chief Secretary, Government of Arunachal Pradesh, Itanagar.
2: The Director
Age: 0
Occupation

Advocate for the Petitioner : Eddie Payeng

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 15.12.2023

Heard Mr. K. Saxena, learned counsel for the petitioner. Also heard Ms. R. Basar, learned Government Advocate for the State respondents.

2. In this petition, under Article 226 of the Constitution of India, the petitioner has prayed for issuing a direction to the State respondents to hold

a Departmental Promotion Committee (DPC) meeting in conformity with the Junior Engineer Recruitment Rules, Arunachal Pradesh Energy Development Agency (APEDA) for promotion of the petitioner to the next higher post of Junior Engineer in the aforementioned agency.

3. The grievance of the petitioner is that he has been serving as Senior Technician (SPV) in the office of the Project Officer, APEDA, Hayuliang Sub-Division, Anjaw District, Arunachal Pradesh, since 1993. On 25.04.2005, vide order no. APEDA/E-109/99-2000/201-10, the service of the petitioner was regularized with effect from 09.12.1993, and in the aforesaid order; the petitioner was placed at serial no. 1. After the cadre of Senior Technician in the APEDA, the next higher cadre is that of Junior Engineer (JE) and the recruitment to the post of Junior Engineer in the APEDA is governed by the Junior Engineer Recruitment Rules, APEDA. Under the aforesaid recruitment rules, the post of Junior Engineer is a Group-C non-gazeted post where appointment is made 90% by direct recruitment and 10% by promotion from serving Senior Technician possessing Diploma in Civil/Elect/Electronics/Mech. Engineering having 5(five) years regular/contingency service in the grade, through DPC. Though the petitioner is in the zone of consideration for the next higher post i.e. Junior Engineer in the year 2015 and 2017, yet, the case of the petitioner has not been considered by the DPC though he has submitted several representations to the respondent authorities.

4. Mr. K. Saxena, learned counsel for the petitioner submits that in the regularization order, dated 25.04.2005, the name of the petitioner has been placed in serial no. 1 and he is qualified for being promoted to the post of Junior Engineer, but, his case has not been considered by the DPC, though,

some of his juniors have been promoted to the post of Junior Engineer and therefore, the learned counsel for the petitioner submits that this writ petition may be disposed of at this motion stage itself by issuing a direction to the respondent authorities to consider the case of the petitioner for being promoted to the post of Junior Engineer in the sitting of the next DPC.

5. Whereas, Ms. R. Basar, learned Government Advocate, pursuant to the order of this Court, dated 13.12.2023, has obtained written instruction from the authority concerned and produced the same before this Court, wherein, it is stated that at the present moment there is no vacancy of Junior Engineer post for promotion from the post of Senior Technician in the APEDA, and hence, there is no proposal for sitting of DPC for the process of the said post. Moreover, the office is not aware of as to whether the petitioner is possessing Engineering Degree or Diploma Certificate to qualify for the post of Junior Engineer.

6. Ms. Basar, learned Government Advocate further submits that however, she has no objection if the petition is disposed of at this motion stage itself by directing the respondent authorities to consider the petitioner's case, if, the petitioner is otherwise qualified for being promoted to the post of Junior Engineer.

7. Having heard the submissions of learned Advocate of both sides, I have gone through the petition and the documents placed on record and also perused the written instruction produced before this Court by the learned Government Advocate.

8. In view of the submissions of learned Advocate of both the parties and as agreed upon, this Court is inclined to dispose of this petition by directing

the respondent authorities to consider the case of the petition for being promoted to the post of Junior Engineer in the next DPC sitting, if, the petitioner is found to be otherwise eligible and is in the zone of consideration and qualified for being promoted to the post of Junior Engineer in APEDA.

9. The writ petition stands disposed of in terms above.

No order as to cost.

JUDGE

Comparing Assistant