

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5975 of 2015 (V)

PETITIONER(S):

1. SHAJI K.M.,
AGED 40 YEARS, (NO.10291649 L/SEPOY)
S/O GANGADHARAN NAIR (LATE), 232 DSC PLATOON,
GAURADA, NAVAL BASE, KOCHI-682 004,
RESIDING AT NELLIYODEN MANNIL,
ORAVIL P.O., NADUVANNUR VIA, KOZHIKODE-673 614.
2. RAJESH P.K.,
AGED 36 YEARS, (NO.10291633 A/SEPOY),
S/O RAMUNNI NARI,
620 DSC PLATOON, GAURADA, NAVAL BASE,
KOCHI-682 004,
RESIDING AT PADINJARAKADKKAN KUZHIYIL,
KADIYANGAD P.O., PERIMPRA VIA, KOZHIKODE-673 525.
3. SABU B.,
AGED 40 YEARS, (NO.10291603/H SEPOY),
S/O K.N. BHASKARAN, 50 B DSC PLATOON,
ATTACH TO HQ 33 WEU, NAVAL BASE,
KOCHI, RESIDING AT KADAMANKUZHY HOUSE,
ELAMANNOOR P.O.,
ADOOR, PATHANAMTHITTA-691 524.

BY ADV. SRI.B.HARISH KUMAR.

RESPONDENT(S):

1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT (DEFENCE),
MINISTRY OF DEFENCE, NEW DELHI-110 011.
2. THE DEPUTY DIRECTOR GENERAL,
DIRECTOR GENERAL DSC,
GENERAL STAFF BRANCH INTEGRATED HQ OF
MOD (ARMY), WEST BLOCK-III,
R.K.PURAM, NEW DELHI-110 066.
3. CHEIF RECORD OFFICER,
DSC RECORDS, MILL ROAD, KANNUR,
KERALA-670 013.

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: A TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE TERRITORIAL ARMY DATED 28.4.09 TO THE 1ST PETITIONER.

EXHIBIT P2: A TRUE COPY OF THE STATEMENT OF ACCOUNTS ISSUED TO THE 2ND PETITIONER.

EXHIBIT P3: A TRUE COPY OF THE PART 11 ORDER OF THE 1ST PETITIONER DATED 27.9.2012 ISSUED BY THE OFFICE OF THE 3RD RESPONDENT.

EXHIBIT P4: A TRUE COPY OF THE PROMOTION POLICIES DATED 10.8.13 AND 4.10.2014 ISSUED BY THE RESPONDENTS.

EXHIBIT P5: A TRUE COPY OF THE REPRESENTATION DATED 20.2.15 SUBMITTED BY THE 1ST PETITIONER.

EXHIBIT P6: A TRUE COPY OF THE REPRESENTATION DATED 20.2.2015 SUBMITTED BY THE 2ND PETITIONER.

EXHIBIT P7: A TRUE COPY OF THE REPRESENTATION DATED 20.2.15 SUBMITTED BY THE 3RD PETITIONER.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 5975 of 2015

Dated this the 25th day of February, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the denial of promotion to the post of Havildar. Petitioners commenced their service as Sepoy under the Territorial Army. After the competition of 10 years service, they are transferred and posted to respondent records on 25.6.2009. Petitioners submit that they are entitled to get promotion to the post of Havildar as they have completed 15 years of regular service.

2. Highlighting their grievances the petitioners have filed Exts.P5 to P7 representations before the 3rd respondent. In view of the above, there shall be a direction to the 3rd respondent to take appropriate decision on Exts.P5 to P7 within period of two months from the date of receipt of a copy of this judgment. The petitioner shall produce the copy of the writ petition along with the judgment for compliance.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/