

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.3030 of 2004

ORDER:

The petitioner seeks Writ of Mandamus declaring the action of the 2nd respondent in not promoting him as Petty Officer with effect from 1997, as arbitrary and illegal and consequently direct the 2nd respondent to promote the petitioner as Petty Officer with effect from 1997 with all consequential benefits.

The case of the petitioner is that he entered the service on 02.07.1984 as Sailor and thereafter he retired from service on 31.07.1999 on completion of 15 years bond. While he was working at Visakhapatnam under the control of the 1st respondent, he has to get promotion as Petty Officer as he has passed the requisite test of POELR 'Q' Board in the year 1997 itself in 3rd attempt. However, the 2nd respondent has not promoted him under the mistaken impression that he passed the aforesaid test in the 4th attempt, but not in the 3rd attempt.

Subsequently, basing on the representation made by the petitioner, the 1st respondent addressed a letter to the 2nd respondent on 24.02.1999 stating that the name of the petitioner is not existing with the CABS and that the letter dated 26.10.1994 of INS Dunagiri erroneously contained the name of the petitioner and, therefore, the

case of the petitioner for promotion be reviewed and IN 52 be issued if feasible. However, the 2nd respondent has not passed any orders so far.

No counter-affidavit has been filed on behalf of the respondents.

Heard the learned Counsel appearing on either side and perused the material available on record.

Having regard to the aforesaid facts and circumstances of the case, I am of the view that it is appropriate to dispose of the Writ Petition with a direction to the 2nd respondent to consider the letter of the 1st respondent dated 24.02.1999 and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

17-12-2015
Gsn

