

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26952 OF 2010

DATED : 03.01.2017

Between :

Dr.S.Manraj Singh S/o.Sri S.Prahlad Singh,
Aged 50 yrs, Calligrapher-II, Examination Branch,
Osmania University, Hyderabad.

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Petitioner

And

Osmania University,
Rep., by its Registrar, Hyderabad.

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Respondent



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner joined service as Calligrapher-II in May 1987. The grievance of the petitioner in this writ petition is that no further promotion was granted to him even though he has rendered long uninterrupted service by now almost 30 years and forced to stagnate in the same post.

2. Heard learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that not creating promotion avenues and made to stagnate an employee in the same post for the entire service is arbitrary, illegal and contrary to the Service Law principles.

4. By relying on the decision of the Supreme Court in ***Council of Scientific and Industrial Research and another Vs K.G.S.Bhatt and another***¹, he submits that it is mandatory for the employer-Organization to provide avenues of advancement at regular intervals and that should be one of the fundamental principles, in any service conditions.

5. He further submits that the post of Calligrapher is equated to that of Senior Assistant. The earlier person working as Calligrapher-III was promoted as Senior Assistant. Learned counsel also placed reliance on the proceedings dated 23/24-5-1990 whereunder Mr.Hasan Mohammed and Mansoor Ali Baig, then working as Calligraphers -III were promoted as Senior Assistants. He therefore, submits that by parity of reasoning petitioner is entitled for promotion as Office Superintendent.

¹ AIR 1989 Supreme Court 1972

Learned counsel also placed reliance on the report of the Committee constituted by the University which has recommended for consideration of the claim for promotion as Office Superintendent, which is promotional post for Senior Assistant.

6. It is not in dispute that petitioner joined service as Calligrapher-II in May 1987 and has not earned a single promotion. In the service conditions no provision is made creating promotional avenue. As held by the Supreme Court in the case referred supra that a person joins service not to stagnate in a post but to earn promotions in the course of service and to reach higher levels in service by dint of hard work. In the interest of Administration of any service, it is not advisable to stagnate an employee in a particular post for long. The fundamental requirement of any employment is to provide opportunity of advancement to motivate the employee to work hard and give better output.

7. Having regard to this fundamental principle, the Committee appointed by the University on the representation of the petitioner, recommended for consideration for promotion as superintendent, the same is reiterated in Para No.5 of the counter affidavit.

8. Having regard to the recommendations of the Committee and the averments made in Para No.5 of the counter affidavit, the Writ Petition is disposed of, directing the respondent-University to consider the claim of the petitioner for promotion as Office Superintendent, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of copy of this order, if he is otherwise eligible and suitable for the post. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

3rd January, 2017
Rds

P.NAVEEN RAO,J

