

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

W.P. No. 42618 of 2015

O R D E R:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed assailing the order dated 10.12.2014 in O.A.No. 8470 of 2012 passed by the Tribunal, whereby the O.A. filed by the petitioner, was dismissed.

The brief facts of the case are that the petitioner was appointed on compassionate grounds on 10.02.1983. Subsequently, he was promoted as Junior Assistant/ Typist on 13.08.1994, and by this date, he put in 29 years of service in the Department. The grievance of the petitioner is that even though he had put in so many years of service as Junior Assistant, he has not been promoted to the post of Senior Assistant but persons appointed subsequent to him as Junior Assistants were promoted as Senior Assistants.

The case of the respondents - Government is that the petitioner was promoted as Junior Assistant and when it comes up for the purpose of promotion to the post of Senior Assistant, he has to pass departmental test namely; the Accounts Test for Subordinate Officers Part-I, but the petitioner did not acquire that qualification. There are specific instructions to exempt those employees who have crossed 45 years of age from the date of passing the test.

Since the petitioner got one promotion in his service, the exemption does not apply to his case.

The learned Government Pleader for Services appearing on behalf of the respondents submits that when similar issue came before this Court in W.P.No. 12516 of 2010, this Court, by order dated 04.07.2017, dismissed the writ petition and the present case is squarely covered by the decision taken in W.P.No. 12516 of 2010.

In view of the above, we find no merit in this writ petition and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

10.07.2017

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

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