

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.5482 of 2012

O R D E R:

Heard counsel for the petitioner. None appears for respondent even though notice has been served on the respondent in the year 2012.

2. Petitioner was appointed as Attender on daily wage in the respondent-University and worked as such from June, 1989 to August, 1990. He was regularized in the pay scale of Rs.740-1150 from August, 1990. Later he passed 3 year BA Degree course in 1991. Petitioner would have completed the two year period of probation in the post of Attender, in which Cadre his services has to be regularized, on 22.08.1992. But, prior thereto, on 25.03.1992 a Department Promotion Committee(DPC) considered his case for promotion as LDC and directed that he be given promotion to the said post in August, 1992, after his probation is declared in the post of Attender. Since no action was taken thereon, petitioner filed WP.No.10483 of 1993 which he later withdrew on 24.08.1993. The respondent then conducted DPC on 06.08.1993 and gave the petitioner promotion as LDC with effect from 08.09.1993.

3. Petitioner contends that he ought to have been promoted as LDC with effect from 22.08.1992 as per the recommendations of the earlier DPC dt.25.03.1992 and the respondent cannot ignore it and deny him promotion as LDC from 25.03.1992 and give him

promotion only from 08.09.1993 after the next DPC granted promotion to him.

4. Admittedly, petitioner's services as Attender were regularized only on 22.08.1990 and his probation was declared on 22.08.1992. No rule has been brought to the attention of this Court that even before declaration of probation of petitioner in the cadre of Attender, he is entitled to be considered for promotion to the post of LDC-cum-Typist.

5. In the absence of any such rule, the case of the petitioner for promotion as LDC-cum-Typist could not have been considered on 25.03.1992, almost 5 months before his probation in the post of Attender was declared. Therefore, petitioner cannot place any reliance on proceedings dt.25.03.1992 of the DPC of the University and seek promotion as LDC-cum-Typist from 25.03.1992.

6. I therefore do not find any merit in the Writ Petition and it is accordingly dismissed. No order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S. RAMACHANDRA RAO, J

12th December, 2018.

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