

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11536 of 2004

ORDER:

This writ petition is filed seeking a writ of Mandamus, declaring the proceedings dated 08.03.2004 and consequential proceedings dated 10.03.2004 as arbitrary, illegal and *void ab initio* and contrary to law besides violative of principles of natural justice and set aside the same.

Heard Sri J.Ashiwini Kumar, learned counsel for petitioner and the learned Government Pleader for Endowments.

It has been contended by the petitioner that he was initially appointed as a Conductor on 12.07.1988. Subsequently, he was promoted as Junior Assistant with effect from 20.03.1990 and the petitioner was further promoted as Senior Assistant on 26.08.1993 and finally he was promoted as Superintendent on 08.06.2000. The grievance of the petitioner is that the 3rd respondent, who was admittedly six days senior to the petitioner in the cadre of Junior Assistant, was promoted as Senior Assistant during 1996 and as Superintendent in 2002. The 3rd respondent has submitted a representation to grant notional promotion on par with the petitioner in the cadre of Junior Assistant and Superintendent. The 1st and 2nd respondents had issued proceedings on 08.03.2004 and 10.03.2004 promoting the 3rd respondent as Senior Assistant on par with the petitioner and also as Superintendent on par with the petitioner, thereby making the petitioner as junior to the 3rd respondent. Challenging the same, the present writ petition is filed.

Learned counsel for petitioner submits that after lapse of nearly 7 years, the 3rd respondent has submitted a representation to promote him notionally on par with the petitioner and the same was entertained by respondents 1 and 2 without giving any opportunity to the petitioner and

contend that the orders passed in favour of 3rd respondent are liable to be set aside and the petitioner be declared as senior to the 3rd respondent.

Learned Government Pleader appearing for respondents 1 and 2 contend that admittedly 3rd respondent is senior to the petitioner and the case of 3rd respondent was not considered along with the petitioner in the cadres of Senior Assistant and Superintendent and the 3rd respondent has submitted a representation requesting to do justice in his case and promote him on par with the petitioner. The case of the 3rd respondent was examined by respondents 1 and 2 and the injustice which has been done to the 3rd respondent has been rectified by way of impugned proceedings. No illegality or irregularity has been committed by the respondents and there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that respondents 1 and 2 have rightly passed the impugned orders and promoted the 3rd respondent on par with the petitioner, as the 3rd respondent is admittedly senior to the petitioner.

In view of above observations, there are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

12th December 2018

ajr