

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.9019 OF 2018

ORDER:

This writ petition is filed seeking to issue a Writ of Mandamus declaring the proceedings, dated 18.08.2017, and the order, dated 12.02.2014, as arbitrary, illegal and unjust and consequently, to issue a direction to the respondents to conduct Review DPC for the panel year 2012-13 as on the date of the DPC on 21.03.2013 to consider the candidature of the petitioners against the cyclic points 190 and 200 or any other subsequent cyclic points.

2. Heard Smt. K. Udaya Sri, learned counsel appearing for the petitioners, and the learned Government Pleader for Services-III appearing for the respondents.

3. It has been contended by the petitioners that they were appointed as Laboratory Assistants in the Prohibition and Excise Department on 16.11.2009 and, as per the Rules, they are fully eligible and qualified for promotion to the post of Assistant Prohibition and Excise Superintendent. The petitioners further contended that as per the recruitment Rules, in a cycle of 10 vacancies, the 10th vacancy is reserved to be filled up from among the Laboratory Assistants. Further, it has been contended that the respondents have issued proceedings on 13.10.2014 and 18.08.2017 to the effect that as and when vacancies arise, the cases of the petitioners for promotion to the post of Assistant Prohibition and Excise Superintendent would be considered. The grievance of the petitioners is that though they are fully eligible and qualified for promotion to the said post, the respondents are not considering their cases.

4. Learned counsel for the petitioners contended that appropriate orders be passed in the writ petition directing the respondents to consider the cases of the petitioners for promotion to the post of Assistant Prohibition and Excise Superintendent against the quota meant for Laboratory Assistants.

5. Learned Government Pleader appearing for the respondents contended that the cases of the petitioners for promotion to the post of Assistant Prohibition & Excise Superintendent will be considered as and when the vacancies arise and appropriate orders would be passed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the cases of the petitioners for promotion to the post of Assistant Prohibition and Excise Superintendent in the cyclic quota meant for Laboratory Assistants, in accordance with law, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, the writ petition is disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

22nd January, 2019

v v