

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.39753 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“....to issue an order or direction more particularly one in the Writ of Mandamus declaring that the action of the respondents in preparing a panel of ARSIs vide proceeding Rc.NMo.715/A/Est/2018, dt 3.10.2018 meant for the purpose of promotion to the posts of RSIs de hors the provisions of law on the basis of provisional seniority list vide Rc.No. 1311/A1-Estt/2017-18, dt 22-02-2018 which is yet to be confirmed taking into account the objections dt 23.2.2018 filed against it under Presidential Order issued under Article 371-D of the Constitution of India as illegal, unconstitutional, arbitrary and violative of Articles 14 and 16 of the Constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit and proper”.

Heard Sri T.Banerjee, learned counsel appearing for the petitioner and learned Government Pleader for Home appearing for the respondents.

Learned counsel appearing for the petitioner submits that the respondents had prepared a panel of Assistant Reserve Sub-Inspectors on 03.10.2018 for promotion to the posts of Reserve Sub-Inspectors de hors the provisions of law based on the provisional seniority list on 22.02.2018, which is yet to be confirmed taking into account the objections dated

23.2.2018; and that the respondents are undertaking promotions to the next higher post without finalizing the seniority list by duly taking into consideration the objections raised by the petitioner.

Learned Special Government Pleader appearing for the respondents submits that the respondents have finalized the seniority list on 29.10.2018 and the principal grievance of the petitioner has been resolved with the publication of final seniority list.

In reply, learned counsel appearing for the petitioner submits that the respondents have prepared provisional seniority list contrary to the rules and Article 371D of Constitution of India and consequently, they have also prepared the seniority list based upon the erroneous provisional seniority list dated 29.10.2018; and that preparing a panel without there being any final seniority list is not permissible and the same is liable to be set aside.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the principal grievance of the petitioner is that the respondents are undertaking promotions by preparing a panel without finalizing the seniority list. Now, it is brought to the

notice of this Court that the final seniority list has been published on 29.10.2018.

In view of the publication of the final seniority list, the grievance of the petitioner has been redressed. If the petitioner is still aggrieved by the seniority list, it is always open to him to challenge the final seniority list published on 29.10.2018. It is needless to state that the respondents shall undertake the promotions strictly in terms of the final seniority list dated 29.10.2018.

With the above observations, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*27<sup>th</sup> February, 2019*  
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