SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/5/2023 Managing Director Uttarakhand Agriculture Produce Marketing Board Rudrapur --appellant **Versus** Vinod Kumar Lhumi --Respondent **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Mr. Yogesh Pandey, learned counsel for the appellant. 2. Mr. J.C. Pande, learned Standing Counsel for the State. 3. Mr. Arvind Vashistha, learned Senior Counsel assisted by Mr. Siddhant Tewari, Advocate holding brief of Mr. Hemant Singh Mahra, learned counsel for respondent no.3. 4. This intra-court appeal is filed challenging the judgment and order dated 22.08.2022 rendered by learned Single Judge in WPSS No.2373 of 2015. By the said judgment, writ petition filed by respondent no.1 was allowed and the Competent Authority in Agricultural Produce Marketing Board was directed to reconsider the claim of the writ petitioner for being considered for appointment by way of promotion as Secretary Grade III w.e.f. 03.06.2002, as was granted to other similar situate employees. Operative portion of the impugned judgment is reproduced below:- *"55. In that eventuality, the respondents are directed to reconsider the claim of the petitioner for being considered for appointment by way of promotion as Secretary, Grade-III, w.e.f. 3rd June, 2002, as it has been granted to the other similarly placed employees against the post, which has fallen vacant due to superannuation of Mr. P.N.*

Saxena, against which, the petitioner was later on considered for promotion only on 14th February, 2005 at a much belated stage, and that too without there being any logical reason."

5. The writ petitioner (respondent no.1 herein), in his writ petition, had contended that he was entitled for promotion against the vacancy, which occurred due to retirement of one Mr. P.N. Saxena and that vacancy was available during the recruitment year 2001-2002. The contention raised by writ petitioner found favour with the learned Single Judge and it was held that belated promotion given to writ petitioner in February 2005 ought to be reckoned from the date when the vacancy had occurred, if he was found eligible for promotion as Secretary Grade III. We are not inclined to interfere with the impugned judgment as learned Single Judge for valid reasons directed for consideration of claim of the writ petitioner for promotion as Secretary Grade III w.e.f. 03.06.2002.

6. Since learned Single Judge has considered the matter in great detail and has given valid reasons for issuing a direction to Competent Authority to consider claim of the writ petitioner for promotion from due date, therefore, any interference with the judgment rendered by learned Single Judge would not be warranted.

7. Accordingly, special appeal fails and is hereby dismissed.

(Subhash Upadhyay, J.)
05.11.2026

(Manoj Kumar Tiwari, A.C.J.)
05.11.2026

Rajni/KK