
(2010) 10 SHI CK 0037

High Court of Himachal Pradesh

Case No: CWP (T) No. 4091 of 2008

Vinod Chaudhary

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision: Oct. 28, 2010

Hon'ble Judges: Deepak Gupta, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Deepak Gupta, J.

These two petitions are being disposed of by one judgment since common questions of law and facts are involved.

2. Both the Petitioners herein, at the relevant time, were working as Assistant District Attorneys. They have challenged the appointment of the private Respondents as Deputy District Attorneys. There is no dispute with regard to the fact that the Petitioners Vinod Chaudhary and Roop Lal Saini, are seniors to the private Respondents as Assistant District Attorneys. A Departmental Promotion Committee under the chairmanship of the then Secretary (Law) to the Government of Himachal Pradesh with the Joint Secretary (Law) and Deputy Secretary (Personnel) as members was constituted to fill up eight vacancies in the cadre of District Attorneys. The posts of Deputy District Attorneys were required to be filled in by promotion on selection basis from amongst the Assistant District Attorney with at least seven years' service in the grade. Two vacancies occurred in the year 1994 and six vacancies in the year 1995. Both the Petitioners were considered in the year 1994. They were both ranked as "good", but appointment was offered to Shri Amar Prakash and Shri Rajender Sharma, who were both classified as "very good". Shri Amar Prakash was admittedly senior to the Petitioners and they have no grievance as far as he is concerned.

3. Again in the year 1995, when six vacancies arose, the Petitioners Roop Lal Saini and Vinod Chaudhary were at serial No. 2 and 3 in the list of the candidates who

were in the zone of consideration. Only two posts were finally ordered to be filled in and the persons recommended were S/Shri Mangat Ram Sharma and Prabhu Ram Patial, who were at serial No. 4 and 5. They were junior to the Petitioners. The Departmental Promotion Committee ranked the Petitioners as "good", Shri Mangat Ram Sharma as "outstanding" and Shri Prabhu Ram Patial as "very good".

4. The main grievance of the Petitioners was that the Departmental Promotion Committee had not properly assessed the Annual Confidential Reports of the Petitioners and a review Departmental Promotion Committee should be constituted.

5. I had summoned the records including the service records and Annual Confidential Reports of all the concerned officials. I have gone through the same in Court in the presence of the learned Counsel for the parties who have been apprised about each year's ACRs.

6. On perusal of the entire ACRs, I find that the assessment made by the Departmental Promotion Committee is correct and cannot be said to be perverse or calling for any interference by this Court. The ACRs of all the candidates were gone through by me and in my opinion, the over all assessment reached by the Departmental Promotion Committee was just and proper calling for no interference.

7. Therefore, I find no merit in the petitions, which are accordingly, rejected. No costs.