

(1995) 12 AHC CK 0112

Allahabad High Court

Case No: C.M.W.P. No. 16463 of 1993

R.N. Srivastava

APPELLANT

Vs

Commissioner, Food and Civil
Supplies Department and
Another

RESPONDENT

Date of Decision: Dec. 14, 1995

Citation: (1996) 1 UPLBEC 6

Hon'ble Judges: Alope Chakrabarti, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Alope Chakrabarti, J.

The present writ petition has been filed by the petitioner claiming his right to get promotion on the basis of his seniority.

2. In spite of earlier directions including the order dated 9.11.1995, the Respondents did not file any counter-affidavit nor they have produced the seniority list as directed. The petitioner has annexed a seniority list at Annexure-5 to the writ petition wherein petitioner has been shown at serial No. 48 and the other employees who have since been promoted have been shown at serial Nos. 53, 55 and 62 of the said seniority list. In the circumstances, the categorical statements made by the petitioner in various paragraphs of the writ petition have not been disputed or denied. In para 22 of the writ petition, the petitioner has stated that several employees junior to the petitioner have been already promoted but the petitioner has been denied such promotion for no rhyme or reason. In the supplementary affidavit filed by the Petitioner, statement has been made disclosing the names of Junior employees who have been promoted. None of the said allegations has been denied by filing any counter-affidavit nor any record has been produced to disprove the said contention of the Petitioner.

3. In the aforesaid circumstances as the contention of the petitioner stands admitted, I find that the petitioner is entitled to the relief of promotion as prayed for in the writ petition.

4. Accordingly, the writ petition succeeds and is allowed. The Respondent No. 1 is directed to consider the matter and pass appropriate order for promotion of the petitioner to the post of Area Rationing Officer from the date of promotion of his juniors and such order is to be passed within a period of two months from the date of production of a certified copy of this order. There will be no order as to costs.