

Claim Petition NO. 13/DB /2021

Dated: 29.06.2021

(Through audio conferencing)

Present: Sri V.P.Sharma, Advocate, for the Petitioner.
Sri V.P.Devrani, A.P.O., for Respondents.

Petitioner is Village Development Officer (*Gram Vikas Adhikari*). He wants promotion on the post of Assistant Block Development Officer (*Sahayak Khand Vikas Adhikari*). He is claiming himself to be senior to the private respondents. The petitioner has moved an interim relief application. Ld. Counsel for the petitioner submitted that since the petitioner is the senior most Village Development Officer in the seniority list of 1999, therefore, no junior to the petitioner should be promoted to the post of Assistant Block Development Officer in the upcoming DPC.

Ld. A.P.O. has filed objection on such interim relief application. According to Ld. A.P.O., since interim relief and final relief are the same, therefore, interim relief application cannot be allowed.

When the claim petition was admitted on 08.02.2021, time for filing C.A./W.S. was given to the respondents. The respondents could not file the same. The reason for not filing the C.A./W.S. is attributed to spread of Corona Virus.

When the claim petition was listed on 22.06.2021, following order was passed:

“Dated: 22.06.2021

(Through audio conferencing)

Present: Sri V.P.Sharma, Advocate, for the Petitioner.

Sri V.P.Devrani, A.P.O., for Respondents.

Ld. Counsel for the petitioner stated that the interim relief application should be heard urgently. Ld. A.P.O., on seeking instructions from Sri Azad, Administrative Officer, Commissionerate, Rural Development, Pauri Gahrwal, stated that no date for DPC has been fixed as yet. We record such statement of Ld. A.P.O., leaving it open to Ld. Counsel for the petitioner to make a mention for early hearing of the interim relief application, whenever any date for DPC is fixed.

Ld. A.P.O. seeks and is granted further 6 weeks' time to file C.A./W.S.

List on 05.08.2021 for further orders.”

Ld. Counsel for the petitioner moved an urgency application today, on the ground that DPC for promotion to the post of Assistant Block Development Officer has been convened for today. When we

inquired from Ld. A.P.O., he, on seeking instructions from Rural Development Commissionerate, affirmed the same.

We were quite surprised to note that the DPC has been convened so hurriedly, without informing Ld. A.P.O.

Respondent Department, on one hand, submitted, on 22.06.2021 that no date for DPC has been fixed as yet, on the other hand, surreptitiously, without notice to Ld. A.P.O., DPC has been convened for today. The Bench and Ld. A.P.O. were caught unawares.

In normal course it is not necessary for any department to inform the date of DPC to the Tribunal or Ld. A.P.O., but when there is a statement, in a sub-judice matter, it partakes the nature of an undertaking, breach of which amounts to Contempt of Court.

Technically the department might justify its action by arguing that no date for DPC was fixed on 22.06.2021 (when statement was given), but propriety demands that the department should have shown courtesy, by at least informing the development to Ld. A.P.O., when the matter is pending adjudication before the Tribunal.

Ld. A.P.O. stated that the date for DPC was fixed only on 28.06.2021 in the evening. He also stated that the petitioner is not in consideration zone. The Tribunal is of considered opinion that it would have been proper on the part of the Respondent Department to intimate the date of DPC, at least to Ld. A.P.O., to enable him to inform the Court, on time. Everybody in the Tribunal, even the petitioner, were taken by surprise, to learn that the DPC has already been convened for today.

The Tribunal, in the aforesaid circumstances, would have put stay on DPC, but for the reason that the stay might hamper future prospects of those who are eligible to be considered for promotion to the post of Assistant Block Development Officer, is not passing such order.

It is, however, directed, at this stage, that promotion to the post of Assistant Block Development Officer shall be subject to final decision of present claim petition.

[Urgency application, as also Interim Relief Application thus stand disposed of.]

List on the date already fixed, i.e., 05.08.2021 .

RAJEEV GUPTA
VICE CHAIRMAN (A)

JUSTICE U.C.DHYANI
CHAIRMAN