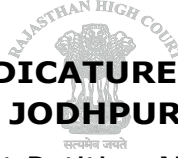




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



D.B. Civil Writ Petition No. 5978/2018

B.L. Sharma, S/o Shri Phusa Ramji Sharma, R/o- H.no. 5-D-1,
Duplex Colony, Bikaner- 334003 Raj..

-----Petitioner

Versus

1. Union Of India, Through The Secretary, Government Of India, Ministry Of Communication, Department Of Post. Dak Tar Bhawan, New Delhi.
2. The Secretary, Ministry Of Personnel, Public Grievances And Pensions, Dept., Of Pension And Pensioners Welfare Lok Nayak Bhawan, New Delhi-110003
3. The Chief Post Master General, Rajasthan Circle, Jaipur-302007.
4. Director Of Accounts, Postal, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. S.P. Singh
For Respondent(s)	:	Mr. B.P. Bohra, Sr. CGSC assisted by Mr. Vaibhav Bhansali

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH**

Order

25/02/2026

1. The civil writ petition has been preferred claiming the following reliefs:-

*"It is, therefore, most humbly and respectfully
prayed that this writ petition may kindly be allowed and
by an appropriate writ, order or direction:-*

*(a) That by writ order or direction the respondent may
kindly be directed to grant promotion and fix seniority in
accordance with direction passed by this Hon'ble Court
vide order dated 18-3-2010 (Ann.12) and consequential
benefit may kindly be granted.*



(b) That by writ order or direction the respondent may kindly be directed to fix correct seniority of the applicant in PSS Group-B and consequential benefits may kindly be granted. The direction in respect of information in respect of correct seniority vide letter dated 15-6-2017 (Ann.1) may kindly be quashed and set aside.

(c) That by writ order or direction the impugned order dated 22-9-2010 (Ann.2) in respect of placing applicant in between 155-156 may kindly be rejected and direction may be passed to fix correct seniority in PSS Group-B.

(d) That any other direction or orders may be passed in favour of the petitioner, which may be deemed just and proper under the facts and circumstances of this case in the interest justice.

(e) Costs of the writ petition may kindly be awarded in favour of the petitioner. "

2. Learned counsel for the petitioner submits that the petitioner was appointed as Inspector of Posts on 12.05.1966 and superannuated on 28.02.1991. The petitioner appeared for selection to Group-B for the vacancy year 1987-88. The DPC recommended 148 officers and promotion orders were issued on 03.11.1987 and 09.02.1988. Admittedly, Shri Jagdish Singh, who was junior to the petitioner, was promoted vide order dated 03.11.1987. Though the DPC was convened in September, 1987, the petitioner's case was not properly considered on account of a pending departmental inquiry. The inquiry was subsequently dropped on 16.11.1993. The petitioner's claim was rejected by the learned CAT, Jodhpur, on the ground of "NYF (Not Yet Fit)".

2.1. The petitioner challenged the said order before this Hon'ble Court in D.B. Civil Writ Petition No.3064/2001. Vide judgment dated 18.03.2010, this Hon'ble Court quashed the CAT's order and directed the respondents to convene a DPC and consider the



petitioner's case for promotion from the date his junior was promoted and, if found eligible, to grant all consequential benefits, including notional fixation and revision of pension.

2.2. In purported compliance, the respondents issued order dated 22.09.2010 admitting that 148 officers were recommended for the vacancy year 1987-88. However, instead of placing the petitioner within the 148 promoted officers, his name was shown between Serial Nos.155-156, though he was declared successful in the 1985 Batch. This is contrary to the admitted position that his junior was promoted within the 148 officers vide order dated 03.11.1987. The petitioner has thus been wrongly denied placement amongst the promoted officers of the vacancy year 1987-88, resulting in loss of seniority, pay fixation and pensionary benefits. The cause of action is recurring in nature, affecting pay and pension.

2.3. Learned counsel for the petitioner makes a very limited submission that in view of the admitted factual position and the directions issued by this Hon'ble Court on 18.03.2010, the petitioner is entitled to be placed amongst the 148 officers promoted against the vacancy year 1987-88 from the date his junior was promoted. He also submits that learned Hon'ble Division Bench also recorded that case of the petitioner did not found fit due to the pendency of inquiry, the petitioner was thereafter, penalized with penalty of reduction to lower rank vide order dated 19.06.1989. The penalty was set aside under the Original Application No.530/1990 decided on 13.08.1993, which culminated into attaining conclusion in favour of the petitioner at that juncture. He submits that since the inquiry was the sole



reason and the outcome of the inquiry is no more in vogue, therefore, his benefits should be at par with the accepted position of Jagdish Singh, Arjundas Gurnani, K.L. Sharma and S.K. Mali.

3. Learned counsel for the respondents is unable to refute the aforesaid factual submissions. The same position also stands reflected in the order dated 20.07.2010 passed by the respondent authorities.

4. In view of the above, the present writ petition is allowed to the limited extent that the petitioner shall be treated at par with Jagdish Singh, Arjundas Gurnani, K.L. Sharma and S.K. Mali, and his seniority position shall accordingly be revised.

(SANDEEP SHAH),J

(DR.PUSHPENDRA SINGH BHATI),J

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