

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

S.B. Civil Writ Petition No. 8697 / 2016

Dharmendra Karotiya Regar s/o Shri Roshan Lal Regar, aged 31 years, r/o House No.51, Thakkar Bappa Colony, Surajpol, Udaipur, Rajasthan 313-001.

-----Petitioner

Versus

1. Rajasthan Rajya Vidyut Utpadan Nigam Limited through its Chairman and Managing Director, Vidyut Bhawan, Janpath, Jyoti Nagar, Jaipur 302005.

2. Joint Director (Personnel & Administration), Rajasthan Rajya Vidyut Utpadan Nigam Limited, Vidyut Bhawan, Janpath, Jyoti Nagar, Jaipur 302005.

3. The Superintendent Engineer (Generation), Rajasthan Rajya Vidyut Utpadan Nigam Limited, Vidhyut Nagar, Banswara (Rajasthan).

4. Om Prakash Meghwal, working as Deputy Director (Personnel), Kalisingh Super Therman Power Project, Rajasthan Rajya Vidyut Utpadan Nigam Limited, Near Undal Village, Tehsil Jhalrapatan, Dist. Jhalawad (Rajasthan).

-----Respondent

For Petitioner(s) : Mr.Rajvendra Sarswat

For Respondent(s) : Mr.Dhanesh Saraswat with Mr.Durgadas Rathore

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

22/02/2018

1. While issuing notices, this Court had passed the following order on 05.08.2016:

"Heard.

The petitioner is aggrieved against the promotion given to the respondent No.4 Om Prakash Meghwal by order dated 13.12.2013. It is contended that as per Regulation 24 of the Officers Service, Recruitment, Promotion and Seniority Regulations, 1974, only such

persons could have been considered for promotion who have completed five years' in service, whereas the respondent No.4 Om Prakash Meghwal came to be appointed in the year 2009, therefore, the order of promotion is de hors the Regulations. Furthermore, the respondent No.4, who does not have the requisite qualifications for even seeking appointment, will definitely not be entitled for promotion.

It is also contended that the petitioner was entitled to be supplied a copy of his ACRs which was denied to him.

Issue notice to the respondents as to why this petition for writ be not accepted. Rule is made returnable within a period of four weeks."

2. The service upon respondent No.4 was completed on 17.09.2016 itself. However, no one has put in appearance on behalf of respondent No.4.

3. The relief claimed in this petition is against respondent No.4.

4. Learned counsel for the petitioner has shown to this Court from Annexure-11 that at all times, respondent No.4 was below in seniority than the petitioner.

5. Admit. Issue fresh notice to respondent no.4 only. Rule is made returnable within four weeks.

6. Meanwhile, the second stay application is allowed and the respondents are directed not to consider the respondent No.4 for further promotion till further orders.

(DR. PUSHPENDRA SINGH BHATI)J.

Skant/-