

12.09.2022

Learned counsel for the appellant present and argued that qualification for promotion under 33% quota to the post of Junior Clerk is notified by the respondent department on 27.05.2022 through amendments in the rules vide which cushion period in respect of non-applicability of F.A/F.Sc qualification is determined in accordance with notification of Establishment Department dated 08.07.2019, wherein 4 year cushion period was given by the Establishment Department. If cushion period is counted from that date i.e 08.07.2019, it means that retrospective effect was given to the said amendments, which is against the rules. Learned counsel for the appellant further argued that cushion period will be counted from the date of notification of the amendment i.e 27.05.2022 because all beneficial legislation prospective in nature. Learned counsel for the appellant submitted that respondents is going to promote Class-IV employees to the post of Junior Clerk and meeting of DPC is scheduled on 13.09.2024. He further argued that if in the upcoming DPC appellant was ignored, he will suffer and will be deprived from carrier progression. He requested that respondents may be restrained from promotion to the extent of 33% quota reserved for Class-IV employees for promotion to the post of Junior Clerk. Request of learned counsel seems genuine, therefore, respondent No.4 is restrained from promotion against the 33% quota reserved for Class-IV employees till the date fixed.

  
(Rashida Bano)  
Member (J)