

STATE OF RAJASTHAN
v.
TARACHAND AND ORS.

FEBRUARY 11, 1997

[K. RAMASWAMY, S. SAGHIR AHMAD AND
G.B. PATTANAİK, JJ.]

Service Law :

Rajasthan Administrative Service Rules, 1954 :

R.28-B—Promotion—Service record of official for period under consideration—Amendment made in the rule subsequent to promotion—Held, the rule requires that record of officer should be outstanding or consistently very good and that would imply that it should be so for the entire period under consideration—Amendment in the rule made on 30.11.1991, being subsequent to orders of promotions could not apply to the cases prior to the amendments came into force.

Shambhu Singh Meena v. State of Rajasthan, [1995] Supp. 2 SCC 431; relied on.

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 3551 of 1997.

From the Judgment and Order dated 9.7.93 of the Rajasthan High Court in D.B.C.W.P. No. 6038 of 1992.

Aruneshwar Gupta and Manoj K. Das for the Petitioner.

The following Order of the Court was delivered :

Delay condoned.

The controversy raised in this case is already covered by a judgment of this Court reported in *Shambhu Singh Meena v. State of Rajasthan, [1995] supp. 2 SCC 431*, wherein this Court, on consideration of rule 28-B of the Rajasthan Administrative Service Rules 1954 and its explanation as it stood prior to November 30, 1991, had interpreted and held that the rule requires that the record of the officer should be outstanding or consistently

- A very good and that would imply that it should be so for the entire period under consideration. The view of the High Court, therefore, was upheld and held that the amendment made on 30-11-1991, being subsequent to the orders of promotions which were challenged in those cases could not apply to the cases prior to the amendment came into force. The same ratio applies to the facts in this case. Therefore, we do not find any ground warranting issuance of notice for interference.
- B

The Petition is accordingly dismissed.

R.P.

Petition dismissed.