



2026:UHC:4168

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPSS/1471/2023</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Ms. Prabha Naithani, Advocate for the petitioners.</p> <p>2. Mr. Lalit Sharma, Deputy Solicitor General for Union of India/ respondents.</p> <p>3. Petitioners were appointed as Nursing Officer in AIIMS, Rishikesh during the year 2017-18. They were promoted as Senior Nursing Officer, <i>vide</i> order dated 17.08.2022.</p> <p>4. Petitioners made representation claiming that they are entitled for promotion as Senior Nursing Officer, upon completing three years of service in the year 2021, therefore, benefit due to them be granted.</p> <p>5. The representation made by petitioners has been rejected by Administrative Officer, AIIMS, Rishikesh, <i>vide</i> order dated 07.07.2023. The reason indicated for turning down the request made by petitioners, as spelled out in the rejection order, is reproduced below: -</p> <p>"2. The aforesaid Committee carefully evaluated all the representations made by the various Sr. Nursing Officers and made the following observations/ recommendations: -</p> <p>i. There is no Provision/Guidelines by DoPT/ Govt. Of India that allows retrospective promotion in case DPC could not be held, even notional benefits can't be given in absence of any Provision/Guidelines.</p> <p>ii. Their promotions are not governed by Assured Progression Scheme/Modified Assured Progression Schem (MACP) where benefits are given from the date of accrual.</p>



			<p>iii. Furthermore, the judgement furnished along with representation(s) is also not applicable in this case.”</p> <p>6. The order dated 07.07.2023, passed by Administrative Officer, is challenged by petitioners in this writ petition. Petitioners have relied upon Office Memorandum dated 08.09.1998 for contending that they were entitled to be promoted as Senior Nursing Officer w.e.f. 2021. The said Office Memorandum is on record as Annexure-4 to the writ petition, wherein it is provided that DPCs should be convened at regular intervals (by laying down a time schedule for this purpose) to draw panels which could be utilised for making promotions against the vacancies occurring during the course of a year. However, the said Office Memorandum do not provide anywhere that any employee would be entitled to promotion from a deemed date or in a time bound manner.</p> <p>7. Careful perusal of the Office Memorandum further indicates that the promotions are vacancy based on the recommendation of Departmental Promotion Committee, as such in the absence of assessment by the Departmental Promotion Committee, no one can be promoted.</p> <p>8. Learned counsel for the petitioners concedes that DPC for considering the claim of petitioners was constituted in the year 2022 and they were promoted on the recommendation of the said DPC.</p> <p>9. Since the DPC itself was constituted in respect of petitioners in 2022, therefore, the claim staked by petitioners for promotion w.e.f. 2021 cannot be</p>
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sustained. Thus, the rejection order, impugned in the writ petition, cannot be faulted. Thus, the relief as claimed, cannot be granted.

10. The writ petition is, accordingly, dismissed.

11. This Court hopes and expect that the instructions issued, *vide* Office Memorandum dated 08.09.1998, shall be borne in mind by the competent authority in AIIMS and DPC shall be constituted in a time bound manner, as and when vacancies are available on a particular post.

(Manoj Kumar Tiwari, J.)

26.05.2026

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