



CGHC010023062020

2026:CGHC:39498

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 526 of 2020

1 - Shiv Prasad Chelkar S/o Late Garib Das Aged About 58 Years Presently Working As Additional Chief Engineer (Ktps), Cspgcl, Korba East, District Korba Chhattisgarh, District : Korba, Chhattisgarh

... **Petitioner**

versus

1 - Chairman Chhattisgarh State Power Companies, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2 - Chief Engineer Human Resources, Chhattisgarh State Power General Company Limited, Shed No. 03, Danganiya, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3 - R.K. Shrivastava Posted As Chief Engineer (Gen) Abv-Tps, Marwa, Cspgcl, Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. CJK Rao, Advocate
For Respondents No.1 & 2	:	Mr. Raja Sharma, Advocate
For Respondent No.3	:	Mr. Siddhant Das, Advocate holding the brief of Mr. Praveen Das, Adv.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

09.09.2026

1. The petitioner has filed this petition seeking following relief(s):-

“10.1. That, this Hon'ble may kindly be pleased to set-aside the order dated 28.12.2019 (Annexure P/1), whereby the respondent No. 3 has been promoted to the post of Chief Engineer.

10.2. That, this Hon'ble may kindly be pleased to direct the respondent authorities to consider the petitioner for promotion to the post of Chief Engineer (Generation) from the date the junior to the petitioner has been

promoted.

10.3. That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deem fit and appropriate.”

2. Mr. Rao, learned counsel appearing for the petitioner would submit that initially, the petitioner was appointed as a Graduate Apprentice under respondent Nos.1 and 2 on 05.04.1989 and subsequently, he was promoted to the post of Additional Chief Engineer (Generation) in the year 2018. He would contend that a departmental enquiry was initiated against the petitioner and, after completion of said enquiry, penalty of censure was inflicted upon him. He would submit that the petitioner retired from service on attaining the age of superannuation in the year 2024. He would further submit that though the petitioner was eligible for promotion to the post of Chief Engineer (Generation) but his name was deliberately not considered by the respondent authorities. He would contend that the petitioner may be permitted to make a detailed representation before respondent Nos.1 and 2 claiming promotion as well as the benefits attached to said post and in turn, said authorities may be directed to decide the same expeditiously in accordance with law.
3. On the other hand, Mr. Sharma, learned counsel appearing for respondent Nos.1 and 2 would oppose the submissions made by Mr. Rao. He would submit that the departmental enquiry was pending against the petitioner and subsequently, the penalty of censure was inflicted upon him; therefore, his name was not considered for promotion. It is also argued that after retirement, the

petitioner cannot claim promotion to the next higher post as a matter of right. He would submit that the present petition has rendered infructuous.

4. Mr. Das, learned counsel appearing for respondent No.3 would support the contention advanced by Mr. Sharma.
5. Heard learned counsel appearing for the parties and perused the documents placed on record.
6. Having considered the limited prayer made by Mr. Rao, this petition is disposed of reserving liberty in favour of the petitioner to make a detailed representation before respondent Nos.1 and 2 claiming promotion as well as the monetary benefits attached to said post and in turn, the authority concerned is directed to consider and decide the representation, if made by the petitioner, in accordance with law, preferably within a period of 120 days from the date of receipt of such representation.
7. With the aforesaid observation(s)/direction(s), the present petition is **disposed of**.

Sd/-
(Rakesh Mohan Pandey)
Judge