

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 1912 of 2011**

Bali Ram Chaurasia S/o Shri Chaitu Ram, Head Master,
Government Girls Middle School, Surangpani, Block Pathalgaon,
Distt. Jashpur, CG

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Tribal Welfare Department, D.K.S. Bhavan, Raipur, CG
2. Commissioner, Tribal Development, Raipur, CG
3. Assistant Commissioner, Tribal Development, Jashpur, Distt. Jashpur, CG
4. Block Education Officer, Pathalgaon, Distt. Jashpur, CG
5. Ramdat Mishra S/o Not Known to the Petitioner, aged about 55 Years, Govt. Boys Higher Secondary School, Jashpur Distt. Jashpur, CG

---- Respondents

For Petitioner	:	Shri Manoj Kumar Sinha, Advocate
For Respondents 1 to 4/State:	:	Smt. Smita Ghai, P.L.
For Respondent no.5	:	Shri J. K. Saxena, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/12/2015**

The petitioner through the present writ petition has sought for a relief of direction to the respondent Authorities for granting him promotion to the post of Lecturer in Sanskrit w.e.f. 06.10.2009 i.e. the date on which his juniors were promoted.

2. The grievance of the petitioner was that on 06.10.2009, his juniors were considered by the respondent Authorities for promotion and respondent no.5 who was also junior to him has been promoted whereas he was not considered for promotion. According to the petitioner, he being senior to respondent no.5 and that there being no order of punishment in operation against him till 06.10.2009, he ought to have been granted promotion. Hence, an appropriate direction to the respondent authorities has been sought through the present writ petition by the petitioner.

3. The respondent Authorities in their reply have categorically stated that the track record of the petitioner was not up to the mark and there have been punishments imposed upon the petitioner several times in the past. It was submitted that in the year 2009 also a departmental enquiry was initiated against the petitioner and on account of the pendency of the said departmental enquiry, the petitioner could not be promoted on the date when his juniors were promoted. State counsel referring to document Annexure R-1 submitted that vide order dated 18.04.2011, the departmental enquiry has been culminated and the charges having been proved, punishment of censure has been passed against the petitioner disentitling him to be promoted in any case in the year 2009.

4. To the said averment and submission made by the respondent Authorities in their reply, the petitioner has not filed any rejoinder and the counsel appearing for the petitioner does not dispute the fact that earlier also the petitioner was imposed punishment of stoppage of increment and finally on 18.04.2011, again punishment of censure was passed. Counsel for the petitioner also admits the pendency of the departmental enquiry in the year 2009.

5. In view of the same, the fact that there was an departmental enquiry pending against the petitioner on the date his juniors were promoted which has culminated in an order of punishment of censure on 18.04.2011 and therefore, the petitioner would not have been entitled for promotion.

6. Accordingly, the petition in the present form being devoid of merit, the same is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE