

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1790 of 2014

- U.K. Sarva S/o Shri Ramdas Sarva, Aged About 49 Years Posted As “Waterman” 1Vth Employee Under The Principle Government Higher Secondary School, Dhaneli Kanhar, R/o Vill & Post Dhaneli, Kanhar, Tahsil Kanker Civil & Revenue Distt Kanker (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Schedule Tribe And Schedule Caste Development, Mantralaya, Mahanadi Bhawan, New Raipur (C.G.)
2. The Commissioner Scheduled Tribe And Schedule Tribe Development Department, Raipur (C.G.)
3. The Collector District North Bastar Kanker (Tribal Development Branch Kanker) Distt Kanker (C.G.)
4. The Chief Executive Officer, District Panchayat North Bastar, Kanker, Distt Kanker (C.G.)
5. The Assistant Commissioner (Tribal) Project Administrator Integrated Tribal Development Project, Kanker, Distt Kanker (C.G.)
6. The Principal Govt. Narhardeo, Higher Secondary School, Kanker, Bastar, District Kanker (C.G.)

---- Respondent

For Petitioner

Mr. Rajesh Kumar Sharma, Advocate

For Respondent/State

Mr. Bhaskar Pyasi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

3/9/2015

Heard finally with the consent of learned counsel for the parties.

(2) Assail in this petition is to the order dated 25.09.2009, whereby, the Collector, North Bastar, Kanker has cancelled its order dated 18.09.2009, whereby, the petitioner was promoted from the post of Waterman to the post of Assistant Grade—III.

(3) Admittedly, the petitioner was working as Waterman in the establishment of Work Charged employees and as such, he was not a part of regular set up of the Collectorate (Tribal Development Branch). For the said reason, the petitioner was not within the zone of consideration from amongst the Class-IV employees, who were to be considered for promotion on the post of AG-III.

(4) In the course of hearing on 21.01.2015, this Court had directed the petitioner to bring on record the policy of the State Government, whereby, the category of the petitioner i.e. Class IV contingency paid employees would be entitled for promotion from Class-IV to Class-III post. The petitioner has placed on record Notification issued by the State Government on 02.08.1996 for promotion to the post of Class-III (Ministerial) in the Department of Tribal Welfare.

(5) A reading of the said Circular would also indicate that it provides for promotion of Class-IV employees to Class-III Grade from amongst the Class-IV employees working in the regular set-up of the Department. There is no mention in this Notification that the employees who are members of the Contingency Paid Establishment would also be considered for promotion in the regular set-up.

(6) For the foregoing, since the petitioner was not within the zone of

consideration, cancellation of his promotion does not suffer from any illegality.

(7) Accordingly, the writ petition being devoid of merits is liable to be and hereby dismissed. Sd/-

Judge

(Prashant Kumar Mishra)

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