

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 202 of 2015**

Santosh Kumar Dubey S/o Late Shri Brajendra Nath Dubey Aged About 42 years Additional Draftsman (Civil) Phawara Chowk Bairon Bazar, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur (C.G.)

---- Appellant

Versus

1. Chhattisgarh State Power Holding Company Limited Through Its Managing Director, Daganiya, Raipur, Distt. Raipur Chhattisgarh.
2. Bharat Lal Sahu S/o Shri Thadu Ram Sahu Aged About 44 Years Civil Asst Gr. II, O/o The Executive Engineer, (Civil) Bhilai-3, Police Station And Post Durg, Civil And Revenue District Durg Chhattisgarh.
3. Bhupendra Kumar Taunk Aged About 40 Years Drawing Office Asst. Gr. I (Civil) O/o S.E. (Civil) CSEB Tifra, Bilaspur, Police Station And Post Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh.
4. Chamanlal Chandrakar, S/o Shri Bhajan Lal Chandrakar Aged About 38 Years Addl. Asst. Draftsman, O/o S.E. (Civil) CSEB, Sunder Nagar, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur Chhattisgarh.
5. Chintamani Tiwari S/o Late Shri Mohan Lal Tiwari Aged About 32 Years Drawing Office Asst. Gr. I (Civil), O/o Chief Engineer (Civil) CSEB, Sunder Nagar, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur Chhattisgarh.
6. Hemant Kumar Rahangdale S/o Shri H.R. Rahangdale, Aged About 38 Years Asstt. Draftsman (C) (TBPS), O/o S.E. (Civil) CSEB, Sunder Nagar, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur Chhattisgarh.
7. Laxmi Prasad Soni Aged About 36 Years Surguja Asst. Gr. II. O/o EE (EHT) C&M, CSEB, Bhilai -3, Police Station And Post Durg, Civil And Revenue District Durg Chhattisgarh.
8. Narendra Kumar Borkar Aged About 40 Years Adm (C) (TBPS), O/o S.E.(C), CSEB, Raipur Police Station And Post Raipur, Civil And Revenue District Raipur Chhattisgarh.
9. Rajesh Yeulkar S/o Shri R.S. Yeulkar Aged About 38 Years Addl. Adm, O/o E.E. (Civil) Hq, Dn. Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur Chhattisgarh.
10. Sanjay Kumar Chandel Aged About 40 Years Adm, O/o EE (O&M), Dn. Kanker CSEB, Police Station And Post Kanker, Civil And Revenue District Kanker Chhattisgarh.
11. Shailendra Verma S/o Shri R.B. Verma Aged About 37 Years DOA Gr. I, O/o C.E. (Civil), Raipur, CSEB, Police Station And Post, Raipur Civil And Revenue District Raipur Chhattisgarh.

12. Subrata Das S/o Shri Sanyasi Das Aged About 42 Years DOA Gr. I, O/o C.E. (Civil), CSEB Raipur Police Station And Post Civil And Revenue District Raipur Chhattisgarh.

13. Tenision Kumar Kumbhaj Aged About 38 Years Surguja, Asst. Gr. II, O/o S.E. (EHT) C&M, CSEB, Bhilai -3, Police Station And Post Durg, Civil And Revenue District Durg Chhattisgarh

--- Respondents

For Appellant	:	Shri Manoj Paranjpe, Advocate.
For Respondents	:	Shri Abhishek Sinha and Shri J.A. Lohani, Advocates.

HON'BLE SHRI NAVIN SINHA, ACTING CHIEF JUSTICE & HON'BLE SHRI PRITINKER DIWAKER, J.

Order On Board

Per NAVIN SINHA, ACTING C.J.

30/03/2015

1. I.A. No. 01 of 2015 has been filed to condone 10 days delay in filing the appeal. Considering the duration, delay is condoned.
2. The present appeal arises from order dated 17.12.2014 dismissing Writ Petition No. 1828 of 2002.
3. Learned counsel for the Appellant submits that the issue with regard to his having participated unsuccessfully in the selection process under the new procedure, thus preventing him from challenging it is entirely different from the issue of eligibility acquired by him to be considered under the Old Policy of 1989.
4. Learned counsel for the Respondents submitted that the two are interconnected issues. If there was any right to be considered under the policy of 1989 that was waived when the Appellant participated under the New Policy of 2002 unsuccessfully.
5. We have considered the submissions on behalf of the parties and also

perused the order under appeal.

6. We find no reason to interfere with the conclusion of the Learned Single Judge that having participated in the selection process under the New Policy of 2002 unsuccessfully, it was not permissible for the Appellant to turn around and seek enforcement of his rights under a policy of 1989 which he himself waived by participating under the subsequent policy.

7. The appeal is dismissed.

(Navin Sinha)
ACTING CHIEF JUSTICE

(P. Diwaker)
JUDGE