

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6160 of 2007**

- Ravish Kamal Kumar S/o Late Shri S. V. Kumar, Assistant Manager, District Trade And Industry Centre, Rajnandgaon , R/o G.E. Road, Rewadih, District - Rajnandgaon (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh through the Secretary, Commerce and Industries Department, Mantralay, DKS Bhawan, Raipur, Chhattisgarh.
2. The Director, Directorate Of Industries, LIC Building, Pandari, District - Raipur (C.G.)
3. State Of Madhya Pradesh Through the Secretary, Commerce And Industries Department, Vallabh Bhawan, District - Bhopal (M.P.)
4. Shri B.R. Salam District Industries Centre, District - Kanker (C.G.)
5. Shri Satyendra Singh Baghel District Industries Centre, District - Kanker (C.G.)
6. Shri Mahadeo Netam District Industries Centre, District - Kanker (C.G.)
7. Shri Alyus Tirki District Industries Centre, District - Janjgir Champa (C.G.)
8. Shri Tirpurari Lal Kashyap On Deputation, Zila Panchayat, Ambikapur, District - Surguja (C.G.)
9. Shri M.S. Uike District Industries Centre, District - Rajnandgaon (C.G.)
10. Shri Luis Kumar Lakda, District Industries Centre, District - Janjgir Champa (C.G.)
11. Shri Ajeet Kumar Toppo, District Industries Centre, District - Janjgir Champa (C.G.)

---- Respondents

For Petitioner	None.
For Respondent/State	Shri Vinod Deshmukh, Deputy Govt. Advocate.
For Respondent/State of MP	Ms. Jyoti Rathore on behalf of Shri Rajeev Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

27/11/2015

1. Grievance of the petitioner in the instant petition is against the order dated 03.02.1999 whereby his juniors i.e. Respondent No. 4 to 11 have been promoted by superseding the petitioner.
2. The State of Chhattisgarh while filing its reply has taken a stand that as the Petitioner was placed under suspension by the erstwhile State of Madhya Pradesh, they were not in a position to consider the case of Petitioner for promotion. Record also shows that the case of the petitioner was kept in a sealed cover before the Departmental Promotion Committee (for short, DPC).
3. The State of Madhya Pradesh has also filed its reply stating that the petitioner was placed under suspension on 21.04.1998 but later on his suspension order was revoked on 02.09.1998 and thereafter he has been re-instated in the service. It is further factual position that there were no order of punishment passed against the petitioner and that subsequently the petitioner has resumed his duties after revocation of his suspension order.
4. Under these circumstances, as a natural consequence, the recommendation of the DPC placed in a sealed cover in respect of petitioner with regard to his promotion has to be opened and the competent authority has to take an appropriate decision in accordance with

the recommendations so made by the said DPC.

5. Considering the overall facts and circumstances of the case, in the interest of justice, the Respondents are directed to immediately ensure opening of sealed cover envelop as per recommendations made by the DPC in respect of the petitioner which was held in the year 1998-99 (if the same has not been acted upon till now). It is expected that the authorities shall further make all endeavors to ensure compliance of the order in accordance with recommendations made in the DPC with all consequential relief.
6. With the aforesaid observations, the writ petition is finally disposed of. No order as to costs.

Sd/-

(P.Sam Koshy)

JUDGE