

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3356 of 2015

- Ludaru Ram S/o. Shri Sukalu Ram, Aged About 37 Years Working As Assistant Grade I I I, At Forest Office North Kondagaon, Post & Thana Kondagaon, District Kondagaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, New Raipur. Chhattisgarh
2. Chief Conservator Of Forest, Circle Kanker, District Kanker, (Chhattisgarh)
3. Conservator Of Forest, Circle Kanker, District Kanker, (Chhattisgarh)
4. Divisional Forest Officer. South Kondagaon, Forest Division Kondagaon (Chhattisgarh)

---- Respondents

For Petitioner	Shri Somkant Verma, Advocate with Shri F.S. Khare, Advocate
For Respondent/State	Shri Y.S. Thakur, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

16/09/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has assailed the legality and validity of the order (Annexure-P-1), whereby his earlier promotion from Class-IV posts to Class-III posts has been cancelled.
3. Admittedly, the petitioner was appointed on the Class-IV post on 04.09.2008, however, in the gradation list, his date of first appointment was mentioned as 23.08.2008; on this basis he was placed above in

the gradation list. Acting on this incorrect placement, he was brought to the zone of consideration and was promoted as Assistant Grade-III on 02.08.2014. On receiving the complaint, the matter was examined, wherein the petitioner was issued notice and after giving opportunity of hearing, the promotion order has been cancelled.

4. Since admittedly, the petitioner's first appointment in the feeder cadre was made on 04.09.2008, but the gradation list incorrectly recorded his date of entry in the service as 23.08.2008 and his placement was made accordingly, there being no factual error in the impugned order, the petitioner has no right to be promoted.
5. It is argued that the gradation list is still not correct, therefore, if promotion has been made on the said basis, the petitioner cannot be faulted with.
6. The question is not as to whether the petitioner is at fault or not. The fact remains that on account of incorrect entry of his date of appointment, many other persons, who were senior to the petitioner, were placed below him and thus, an anomaly was created, wherein the persons senior to the petitioner have been ignored. In such a situation, it always remains open for the authorities to correct the mistake and do justice with all concern, who have been superseded.
7. There is no substance in the writ petition, it fails and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA