

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 2036 of 2005**

1. Dr. Om Prakash Sharma son of late Nemichand Sharma aged about 40 years Lab Technician [Teaching Staff] Department of Psychology Government Kamla Devi Girls College Rajnandgaon Chhattisgarh

2. Murari Lal Shrivastava aged about 42 years son of Ajiyari Lal Shrivastava Lab Technician Government College Ambagarh Chowki District Rajnandgaon Chhattisgarh

3. Sant Das Sawai son of Niranjana Lal Sawai aged about 40 years Lab Technician Government College Ambagarh Chowki Rajnandgaon Chhattisgarh

---- Petitioners**Versus**

1. The State of Chhattisgarh through Secretary Department of Higher Education at Secretariat Raipur Chhattisgarh

2. The State of Chhattisgarh through Secretary Department of G.A.D. At Secretariat Raipur Chhattisgarh

3. The Commissioner Higher Education Directorate Government Science College Campur Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Malay Kumar Bhaduri, Advocate.
For Respondent/State	:	Shri UNS Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****05/02/2016**

1. The Petitioners are stated to be Lab Technicians in the Higher Education Department. It is a single cadre post with no promotional avenues. The claim therefore is for grant of first time bound promotion after 12 years of service and second time bound promotion after 24 years of service. Time bound promotion is not a merit promotion and is essentially an anti-stagnation measure.

2. Learned Counsel for the Petitioners submits that the Respondent/State on 28.7.2004 has issued a circular through the Department of General Administration with regard to all Government servants granting time bound promotion after 12 years and 24 years in the manner prescribed. Reliance by the State on any earlier notification prior to the reorganization of the State dated 25.9.1996 that Lab Technicians were entitled to only one time bound promotion after 15 years of service, is arbitrary and discriminatory. Those in the School Education Department are being granted time bound promotion after 12 and 24 years, respectively. Earlier, in Writ Petition No. 1045 of 2004 filed by Petitioner No. 1, this Court on 13.2.2008 has already directed as follows:

"10. In view of the foregoing, this petition is allowed. The petitioner is entitled to the first kramonnati after completion of 12 years of service i.e. 31.8.2001 and thereafter second kramonnati after completion of 24 years of service under the Time Bound Advancement Scheme. No order as to costs."

Notwithstanding the same, the benefit was not being granted to the Petitioners.

3. Learned Counsel for the State submits that there is no reference to Writ Petition No. 1045 of 2004 in the pleadings. The notification dated 25.9.1996 has not been challenged.

4. Having considered the submissions on behalf of the parties, in view of the earlier order dated 13.2.2008 in Writ Petition No. 1045 of 2004, subject to the same not having been assailed in appeal by the Respondents, they are required to comply the same. Additionally, the Court itself finds justification in the contention of the Petitioners with regard to arbitrary and hostile discrimination. It is relevant to notice that the notification dated 28.7.2004 has not been denied by the Respondents. The Court is not satisfied that there can be classification based on departments with regard to an issue of time bound promotions which is basically an anti-stagnation measure.

5. The writ petition is allowed and the Respondents are directed to consider grant of time first and second time bound promotions to the Petitioners in accordance with law. If, in the meantime, the Petitioners have been granted any

benefit of the order dated 25.9.1996, the Respondents are at liberty to set off the benefits and pass appropriate orders.

6. The writ petition stands disposed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE