

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6743 of 2011

- Puran Lal Sahu S/o Shri Awadh Ram Sahu, aged about 49 years, Working As Peon, At Govt. Pre Middle School Turekela, Block Kharsiya, Distt.- Raigarh Cg

---- Petitioner

Versus

1. State Of Chhattisgarh, through Secretary, Department of Tribal Welfare, D.K.S. Bhawan, Mantralaya Raipur (C.G.)
2. Commissioner, Department Of Tribal Welfare, Raipur Distt.- Raipur, Cg
3. Assistant Commissioner Department Of Tribal Welfare Raigarh, Distt.- Raigarh Cg
4. Head Master, Govt. Pre Middle School Turekela, Block Kharsiya, Distt.- Raigarh Cg
5. Puroshottam Lal Darshan S/o Pilu Ram Darshan, Assistant Grad – III, In the Office Of Block Education Officer, Kharsiya, R/o Village Bade Dumarपाली, Post Pamgarh, Tahsil Kharsiya, Distt.- Raigarh, Cg
6. Digamber Patel, S/o kanti Kumar, aged about 38 years, Assistant Grade- III In the Office Of Block Education Kharsiya, Distt.- Raigarh Cg

---- Respondent

For Petitioner	None
For Respondent/State	Shri P. K. Bhaduri, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/02/2016

1. None appears for the petitioner even in the second round. The matter is taken up for consideration and the arguments advanced by the learned State counsel is heard. Record also perused.

2. The petitioner is claiming promotion on the post of Assistant Grade-III in the Department of Tribal Welfare, District Raigarh. The claim is based on pleadings that the respondents No.5 & 6 are junior to the petitioner, yet they have been promoted ignoring the petitioner's seniority.
3. The respondent No.5, Puroshottam Lal Darshan had preferred WPS No.3909/2010 seeking promotion as Assistant Grade-III on the ground that Digambar Prasad Patel, Kesharmani Naik and Shyam Sunder Patel were junior to him, yet they have been granted promotion. In its order dated 29.07.2010, this Court did not accept the said submission, however, it was left open to the said Purushottam Lal Darshan to prefer a representation demonstrating that the persons junior to him have been promoted. Purushottam Lal Darshan was subsequently granted promotion vide order dated 25.08.2010 after re-fixing his seniority vis-a-vis Digambar Prasad Patel, Kesharmani Naik and Shyam Sunder Patel.
4. In this petition, the petitioner is claiming that when the respondent No.5, Puroshottam Lal Darshan and respondent No.6, Digambar Patel have already been promoted, the said persons being junior to him as Peon, the petitioner is also entitled for promotion as Assistant Grade-III.
5. It appears, the Office of the Collector, Raigarh through the Assistant Commissioner, Tribal Development, Raigarh subsequently withdrew the order of promotion in respect of Puroshottam Lal Darshan by passing an order on 23.02.2012 (Annexure-R-1) on the ground that the said Puroshottam Lal Darshan having been regularized only in the year 2009, he did not complete the required length of 5 years service

in the feeder cadre, therefore, in view of the State Government's circular dated 28.11.1984 and notification issued by the State of Chhattisgarh on 05.03.2010, he was not entitled for promotion.

6. On a reading of the impugned order (Annexure-P-1), it would be apparent that the petitioner was also regularized on 16.02.2009 thus, he had also not completed the required length of 5 years service in the feeder cadre on the date the promotion for the post of Assistant Grade-III in the Office of the Department of Tribal Welfare, Raigarh was considered.
7. Since the petitioner was not entitled for consideration of his name in view of the non completion of the required length of 5 years service in the feeder cadre, he was not at all eligible for promotion, therefore, dismissal of his representation vide Annexure-P-1 does not suffer from any infirmity.
8. Accordingly, the writ petition stands dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA