

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1107 of 2007**

- S.K. Mishra, S/o late Shri Chandrika, aged about 54 years, Assistant Grade-II, P.W.D. Sub Division, Bemetara, R/o Bemetara, District Durg (CG)

---- **Petitioner****Versus**

1. State Of Chhattisgarh, through Secretary, Ministry of PWD, DKS Bhawan, Raipur (CG)
2. Superintendent Engineer & Chairman, DPC, PWD, Durg Circle, Durg, District Durg (CG)
3. Executive Engineer, PWD Division, Bemetara, District Durg (CG)

---- **Respondent**

For Petitioner : Shri Amiyakant Tiwari, Advocate.
 For Respondent/State : Miss Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/05/2017**

1. The petitioner was promoted on adhoc basis from the post of AG-III to AG-II on 21.3.2006. Thereafter DPC was convened for consideration of promotion to the said post wherein the petitioner was considered along with other employees who were falling within the zone of consideration. On the basis of Confidential Report of previous 5 years, the petitioner was not found fit for recommending his name for regular promotion, therefore, vide impugned order dated 14.2.2007 his adhoc promotion has been cancelled.

2. Present is not a case where the petitioner has been reverted as a measure of punishment or for any personal reason but the cancellation of adhoc promotion has occasioned because the promotional posts of AG-II were filled by regular promotion wherein DPC also considered the case of the petitioner.
3. At the time of issuance of notice of this writ petition, this Court has refused to grant any interim relief in favour of the petitioner.
4. In the facts and circumstances of the case, this Court does not find that the impugned order suffers from any legal infirmity. If the petitioner would not have been considered for promotion ignoring his seniority or merit and was asked to make away for the persons junior to him, he may be entitled to raise grievance, however, when he has been duly considered by the DPC and the petitioner has not stated anything in the rejoinder as to how the impugned order violates any statutory provision or any of his accrued rights, no case for interference is made out.
5. The writ petition being devoid of any substance deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve