

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2317 of 2010**

1. Rajkishore Verma, S/o Late Ghassu Verma, Aged about 45 years, R/o C/o Shri Mukesh Jha Kailashpuri, Raipur, Tahsil and District Raipur (CG)
2. Md. Rauf Khan (Sr. Grade Traverser) S/o Late Shri Yusuf Khan, Aged about 53 years, R/o Commissioner, Land Record, Gandhi Chowk, New Rang Mandir Chotapara, Raipur, Tahsil and District Raipur (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through the Secretary, Revenue Department, DKS Bhawan, Raipur (CG)
2. The Commissioner, Office of Land Records, Gandhi Chowk Raipur (CG)
3. Shri Matsya Kanwar, Aged about 54 years, Assistant Superintendent Land Records, Collectorate office of Sarguja (CG)
4. Lileshwar Dili, Aged about 53 years, Assistant Superintendent Land Records, Collectorate Office of Dhamtari (CG)
5. Tularam Ratre, Aged about 57 years, Assistant Superintendent Land Records, Collectorate Office of Bilaspur (CG)
6. Bhagirathi Prasad Kanwar, Aged about 57 years, Assistant Superintendent Land Records, Collectorate Office of Jashpur (CG)
7. Anand Kumar Chaturgoshtthi, Aged about 53 years, Assistant Superintendent Land Records, Collectorate office of Bilaspur (CG)
8. Chhabilal Netam, Aged about 53 years, Assistant Superintendent Land Records, Collectorate office of Dhamtari (CG)
9. Bharat Ram Dhruv, Aged about 55 years, Assistant Superintendent Land Records, Collectorate office of Raipur (CG)
10. Harshvardhan Singh, Aged about 48 years, Assistant Superintendent Land Records, Collectorate office of Bilaspur

(CG)

---- Respondent

For Petitioner	Mr. Gautam Khetrapal, Advocate
For Respondent /State	Ms. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

8/11/2017

1. Heard.
2. The petitioners are working on the post of Traverser (*Varisht Shreni Pargami*) in the Department of Land Records in the Land Record Branch of the Department of Revenue.
3. Admittedly, the post of Traverser has been declared as dying cadre post, therefore, no fresh posts of Traverser are sanctioned nor any recruitment is made to such post, however, the persons working as Traverser since before the date of the same being declared dying cadre are still continuing in service. The petitioners are the only two Traversers working in the entire State. Under the *Madhya Pradesh Bhu-Abhilekh Evam Bandobast (Rajpatrit) Seva Bharti Niyam, 1999*, the Senior Grade Traverser has been included along with Assistant Superintendent Land Records, *Mukhya Sanganak* and *Mukhya Manikchitrakar* for promotion to the post of Superintendent Land Records.
4. Till 2014, the Rules continued by mentioning the post of Traverser as one of the feeder cadre, however, thereafter, the post of Traverser has been deleted as one of the cadre

consisting of the feeder cadre. This is substantiated on reading of Entry No.4 in Schedule IV of the C.G. Land Record (Gazetted) Service Recruitment Rules, 2014 (in short "the Rules, 2014"), a copy of which has been placed for perusal before this Court and made a part of the record.

5. It is settled law that a person is not appointed for a particular post but is appointed for his entire career. An employee cannot be appointed and retired on the same post. There has to be promotional avenues for an employee so that he is motivated to take on his duties with zeal and sincerity otherwise an employee would remain complacent and idle throughout his length of service.
6. It appears the post of Traverser has been deleted under the Rules, 2014 for the reason that the same has been declared as dying cadre, forgetting that the Traversers working in the Department prior to the year 2014 are already available and entitled for promotion to the post of Superintendent, Land Records.
7. It is informed to this Court by learned counsel for the petitioners that the persons appointed subsequent to the petitioners on the other posts, which are the feeder cadre for promotion to the post of Superintendent Land Records, have been promoted and enjoying a superior responsibility and pay scale to the detriment of the petitioners.
8. Considering the issue brought before this Court and the state of

Rules promulgated in the year 2014, this Court may not direct the respondents to consider the petitioners for promotion but can certainly issue direction to the respondents to consider making necessary correction in the Rules to include Traverser as one of the feeder cadre so as to accommodate the petitioners, who are already working as Traversers before the post was declared as dying cadre.

9. Inclusion of the post of Traverser in the feeder cadre would not mean that the State Government is reviving the cadre, because, as long as fresh posts are not created, the posts cannot be revived.
10. Let the Government consider making necessary correction in the Rules.
11. The petitioners shall make a representation to the concerned Secretary along with a certified copy of this order within a period of 04 weeks from today and thereafter, the State Government shall consider and decide the representation within next 3 months.
12. Till the matter is considered, further promotion to the post of Superintendent Land Records shall remain in abeyance.
13. The writ petition is allowed to the extent indicated above.

Sd/-

Judge

(Prashant Kumar Mishra)

