

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.6817 of 2007

Rajkumar Bajrang, S/o Sonaram Bajrang, Age 36 years,
Assistant Engineer, Electric (Technical) Heavy Machinery
Division, Office of the Executive Engineer, Mahanadi Reservoir
Project, Rudri, District Dhamtari (C.G.)

---- Petitioner

Versus

State of Chhattisgarh Through--

1. Secretary, Water Resources Department, Government of Chhattisgarh, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. Engineer-in-Chief, Water Resources Department, Sihava Bhawan, Raipur (C.G.)
3. Chief Engineer, Mahanadi Reservoir Project, Electric (Mechanical) Heavy Plant Division, Raipur (C.G.)
4. Executive Engineer, Electric (Mechanical) Heavy Machinery Division, Mahanadi Reservoir Project, Rudri, District Dhamtari (C.G.)
5. Shri S.P. Sharma, Assistant Engineer Division No.1, Section Officer, Electrical/Mechanical Machadoli, Tehsil Katghora, District Korba (C.G.)

---- Respondents

For Petitioner: Mr. Rajendra Patel, Advocate.
For Respondents/State: Mr. Dheeraj Kumar Wankhede, Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/02/2017

1. The petitioner has filed this writ petition seeking relief that his seniority be counted from 23-11-1993 as has been done in the case of respondent No.5 and also that his name be entered into after the name of respondent No.5.

2. The State has filed return stating inter alia that the petitioner was appointed on the post of Sub Engineer on 3-8-1993. As per the requirements and eligibility for being promoted to the post of Assistant Engineer for an employee like the petitioner, who is a degree holder engineer, the petitioner was required to complete 8 years of service before he is promoted on the post of Assistant Engineer. The petitioner's case for promotion was considered after completion of eight years as he has joined on 3-8-1993 and he was promoted on the post of Assistant Engineer in the year 2003 according to the availability of the post of Assistant Engineer. The petitioner is now posted as Assistant Engineer. It has also been mentioned that contention of the petitioner is that the petitioner's name ought to have been shown at serial No.14 of the gradation list, whereas the petitioner's name has already been shown at serial No.13 of the current gradation list and therefore the petition is without merit and deserves to be dismissed.
3. The petitioner has been appointed on the post of Sub Engineer on 3-8-1993 and upon completion of eight years of service as per the requirement and availability of post, he has been promoted as Assistant Engineer in the year 2003 and his name has already been placed after the name of respondent No.5 at serial No.13. The petitioner has completed eight years of service in 2001 and thereafter, he has been promoted on the post of Assistant Engineer in the year 2003 on the availability of post. The petitioner cannot be promoted on the post of

Assistant Engineer without completion of eight years of service and he cannot claim that he ought to have been promoted without completing eight years of service. His name has also been recorded in the seniority list in appropriate place.

4. In view of the aforesaid discussion, I do not find any merit in the writ petition and the writ petition is dismissed leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma