

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 132 of 2017**

Rajendra Kumar Singh S/o Shri Ranjit Singh, Aged About 59 Years Presently Posted And Working As Assistant Director (Agriculture), R/o Maharana Pratap Nagar, Tirfra, Bilaspur, P. S. Sirgitti, Tehsil And District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture & Bio Technology, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Under Secretary, Department Of Agriculture & Bio Technology, Government Of Chhattisgarh, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
3. Director, Director Of Agriculture, Indrawati Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
4. Joint Director, Department Of Agriculture, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

---- Respondents

For Appellant	: Shri Amrito Das, Advocate.
For Respondent/State	: Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****07/04/2017**

1. We have heard Learned Counsel for the Appellant and Learned Counsel for the Government.
2. The Appellant aspired for being promoted to the category of Deputy Director (Agriculture). He is aggrieved by the order dated 10.11.2016 by which, his representation was dismissed. The Learned Single Judge noted that going by the

stand taken by the Government, there are only 42 sanctioned posts of Deputy Director and there are 43 persons now working in the category of Deputy Director. This means that one excess hand is now deployed as Deputy Director. This may be a case where the establishment has to carry out a drill as is required to identify the number of vacancies and spread over the available officers. It may also be a situation where those who get parked in a post or scale for a long term will be entitled to benefits including financial benefits.

3. So far as the challenge is only against the rejection of the Appellant's representation, we are unable to hold that the Learned Single Judge was unjustified in dismissing the writ petition, also by applying the ratio of the Apex Court in *Union of India and others v. K.K. Vadera and others*, AIR 1990 SC 442.

4. For the aforesaid reasons, leaving open all other issues on which the Appellant may be entitled to agitate in an appropriate jurisdiction in accordance with law, this writ appeal is dismissed. Needless to say the rejection of the representation of the Appellant, as has been affirmed by the Learned Single Judge, is only on the basis of the vacancy position, as noted on the basis of the submission made on behalf of the State. This does not conclusively decide the eligibility of the Appellant to take recourse to other remedies in accordance with law. The impugned order rendered in the writ petition will not be understood as foreclosing other remedies in respect of other grounds as may be available to the Appellant.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE