

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No.4459 of 2004

Hari Prasad Shukla, aged about 59 years, S/o Late Shri D.P. Shukla, Assistant Food Officer, Food, Civil Supplies and Consumer Protection Department, Posted at Collectorate (Food Section), Durg, District Durg (C.G.), R/o 41/251, Mukht Nagar, Durg, Tah. & Distt. Durg (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Principal Secretary, Food, Civil Supplies and Consumer Protection Department, Govt. of Chhattisgarh, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Director, Food, Civil Supplies and Consumer Protection, Department, Govt. of C.G., Mantralaya, D.K.S. Bhawan, Raipur (C.G.), Office:- Anand Nagar, Raipur (C.G.)

---- Respondents

For Petitioner: Mr. V.G. Tamaskar, Advocate.

For State/Respondents: -

Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/07/2017

1. Case of the petitioner is that he was eligible for promotion on the post of Food Officer, but his case was not considered and now, it is not being considered merely because he retired on 31-3-2005.
2. The State/respondents filed return stating inter alia that CRs of the petitioner and similarly situated persons were received from the State of Madhya Pradesh on 2-2-2005 and the

petitioner was considered and recommended for promotion. Minutes/recommendations of the DPC were received in the office of the respondents on 24-5-2005, but the petitioner retired as Assistant Food Officer in between on 31-3-2005.

3. Mr. V.G. Tamaskar, learned counsel for the petitioner, submits that in view of the order passed by a coordinate Bench of this Court in W.P.(S)No.1533/2009 (Yashwant Dewan – Versus – State of Chhattisgarh and others), decided on 16-10-2015, the petitioner herein be directed to be considered on the said post.

4. A coordinate Bench of this Court in similar situation has held that the intervening superannuation before a decision taken does not render the writ petition infructuous and directed as under: -

“7. The Respondents are therefore directed to take a final decision on the candidature of the Petitioner for promotion to the post of Principal and dispose it by a reasoned and speaking order in accordance with law, if not already done within a maximum period of eight weeks from the date of receipt and/or production of a copy of this order.”

5. In view of the above, the respondents are directed to take final decision on the candidature of the petitioner for promotion on the post of Food Officer by a reasoned and speaking order in accordance with law, within a maximum

period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the writ petition stands finally disposed of. There shall be no order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma