

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 824 of 2007**

- Jamuna Prasad Shende S/o Late Bajrang Das, Aged about 59 Years, R/o Shankar Nagar Moti Chowk, Durg, District-Durg,

---- Petitioner**Versus**

1. State of C.G. Through:- Its Secretary Deptt. Of Co-operative Societies Raipur (C.G.)
2. Registrar, Co-operative Societies Raipur C.G.
3. Joint Registrar, O/o Joint Registrar, Co-operative Societies, Raipur Division, Raipur C.G.

---- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate
For Respondents-State	:	Shri Rajendra Tripathi, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****03/05/2017**

1. Petitioner has preferred this writ petition seeking promotion on the post of Audit Officer on the ground that his junior Shri Hemdas Banjare has been promoted on 29.06.2005.
2. Learned State counsel would submit that as on 29.06.2005, the petitioner was facing trial for committing offence under Section 7 & 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, 1988 and was also placed under suspension w.e.f. 28.08.2002, therefore, during pendency of the criminal case against him, he was not promoted but since after his acquittal, he has been paid the arrears of pay during the period of suspension and his case has been sent for consideration by the DPC in the

year 2007 itself.

3. At the time of filing of this petition in February, 2007, the petitioner was 59 years of age, therefore, by now he has already retired.
4. Shri Vinod Deshmukh, learned counsel for the petitioner is not possessed with the present status of the petitioner.
5. Considering the entire facts situation of the case, it appears, petitioner was not considered when his juniors were promoted because on that date the petitioner was facing a criminal trial, therefore, it is not a case of supersession.
6. In view of the above discussion, there is no substance in the writ petition. It fails and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Ashu