

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1944 of 2011

Vishnu Prasad Ghatpandey, S/o Shri Paharo Ram Ghatpandey, aged about 60 years working as Stenographer, Additional District Judge, District and Sessions Court Sakti, Distric-Raigarh (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh through the Department of Law, Mantralaya, DKS Bhawan, Raipur (CG)
2. High Court Of Chhattisgarh Through The Registrar General High Court Of CG Bilaspur CG
3. The District & Sessions Court Distt. Janjgir Champa CG
4. Rajkumar Dewangan Currently Working As Accountant In The District & Session Court Distt. Janjgir Champa CG
5. The District and Sessions Court, District -Bilaspur (CG)

---- Respondents

For Petitioner	:	Shri N. Naha Roy, Advocate
For Respondent No.1	:	Shri A.S. Kachhawaha, Addl. Advocate General
For Respondents No.2,3 & 5	:	Smt. Fouzia Mirza, Advocate
For Respondent No.4	:	None appears

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/07/2017

Heard.

In view of the subsequent developments, I consider it expedient to finally dispose off the matter, as below:

- (1) The petitioner, while working as Assistant Grade-III, was subjected to departmental enquiry under charge sheet dated 5.10.1999. As enquiry was instituted against him, he was not promoted and his junior was promoted vide order dated 11.5.2010, resulting in petitioner's supersession. The departmental enquiry ended up in an order of penalty of withholding of two annual increments with cumulative effect by order

dated 1.7.2009. Aggrieved by the order of penalty, the petitioner preferred an appeal and was successful as the order of penalty was set aside and the petitioner was fully exonerated of the charges vide order dated 28.9.2012 of the appellate authority.

Once the petitioner has been fully exonerated he is entitled to be considered by a review DPC as on the date when his junior were considered and promoted vide order dated 11.5.2010. Though it has not been very clearly stated in the return of the respondent, presumably, the petitioner must have been considered and recommendation must have been kept in sealed cover for being opened upon conclusion of departmental enquiry. Upon consideration of petitioner's case for review DPC, if the petitioner is found fit, on the basis of his service records, in the review DPC, he would be entitled to appropriate order of promotion from the date his junior was promoted along with all consequential benefits.

(4) Taking into consideration that the petitioner has since retired on 30.6.2011, the review DPC shall be held by respondent No.5 as early as possible. in any case, within a period of three months from the date of receipt of copy of this order and appropriate order in accordance with law shall be passed.

(5) The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge