

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2855 of 2017

Dev Singh Patil S/o Late Johan Patil, Aged About 46 Years R/o L I G 72, Shanker Nagar, Raipur, Tahsil And District Raipur (Chhattisgarh).

---- Petitioner

Versus

1. The Registrar, Kushabhai Thakre Patrakarita And Jansanchar Vishwavidyalaya Kathadih, Raipur (Chhattisgarh) 492013.
2. Dr. Shahid Ali, Associate Professor, Jansanchar Sanyojak, C/o Kushabhai Thakre, Patrakarita And Jansanchar Vishwavidyalaya, Kathadih, Raipur (Chhattisgarh) 492013
3. Shri Ashotosh Kumar Mandavi Assistant Professor, Member, C/o Kushabhai Thakre, Patrakarita And Jansanchar Vishwavidyalaya, Kathadih, Raipur (Chhattisgarh), 492013
4. Shri K. K. Sinha Finance Officer, Member, C/o Kushabhai Thakre, Patrakarita And Jansanchar Vishwavidyalaya, Kathadih, Raipur (Chhattisgarh) 492013.

---- Respondents

For Petitioner : Shri H.B. Agrawal, Sr. Advocate with
Smt. Prabha Sharma, Advocate

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

Order On Board

09/08/2017

Heard.

1. The petitioner's grievance is that the respondents, on the pretext of decision on representation against seniority, are not proceeding with the promotion to the post of Assistant Grade-I.
2. It is submitted that the petitioner is an eligible Assistant Grade-II. In the past, a gradation list was issued in the year 2013 and till date, that gradation list has

not been disturbed. It is submitted that instead of proceeding with the promotion, the respondent-University has constituted a committee to examine various representations against the seniority, which committee was required to submit its report within two months. However, till date, no report has been submitted, to the best of the information of the petitioner, yet the promotions are not being held.

3. After hearing learned counsel for the petitioner and perusing the documents on record, I find that in the matter of objections raised on the seniority, a committee has been constituted vide memo dated 20-02-2017 by the Registrar of the respondent- University. That shows that the matter is yet to be considered by the committee. At present, no adverse decision has been taken against the petitioner affecting his seniority. Therefore, in so far as challenge to the constitution of committee to consider representation is concerned, I am not inclined to interfere with the same. At the same time, it is to be observed that the issue relating to seniority cannot be kept pending indefinitely. Once the committee has been constituted, the decision is required to be taken at the earliest. In any case, an employee can not be deprived of consideration for his promotion only on the ground of pendency of complaint relating to seniority. Respondent authority is obliged under the law to decide the seniority dispute at the earliest and thereafter proceed to consider eligible employees for promotion to the next higher post of Assistant Grade-I. If the committee has not already submitted its recommendation, it should submit its recommendation within the period of 2 months. In case no recommendations are submitted, the respondent- University should not await any such recommendation and should proceed to consider eligible candidates for promotion as per present existing list.
4. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge