

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 7076 of 2016**

Shankar Lal Verma, S/o Shri B.R. Verma, aged about 52 years,
Chowkidar, Presently working as Public Works Department (Brize &
Construction) Kanker, Post, Thana & District – Kanker (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through : The Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, Raipur (C.G.)
2. Engineer in Chief, Public Works Department, Sirpur Bhawan Raipur, Chhattisgarh
3. Executive Engineer, Public Works Department, Brize Division, Jagdalpur, District Bastar at Jagdalpur (C.G.)
4. Sub Divisional Officer, Public Works Department (Brize & Construction) Kanker, District Kanker (C.G.)

---- Respondents

For Petitioner : Mr. Somkant Verma, Advocate.
For Respondent No.1 /State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/01/2017**

Heard.

(1) Instant writ petition under Article 226 of the Constitution has been filed by the petitioner with a limited prayer that the respondents authorities may be directed to consider and decide the representation of the petitioner so far his claim of promotion from the post of Class IV to the post of Assistant Grade -III is concerned.

(2) Counsel for the petitioner submits the petitioner is working with the respondents-authorities since 1993 and he has all eligibility for being considered for promotion to the post of Assistant Grade-III. He further submits that apart from eligibility criteria, the petitioner is also one of the senior most employees for being considered for promotion on the post of Assistant Grade-III. He also submits that though the vacancies are available in the Department but yet respondents authorities are not taken any steps so far as claim of the petitioner for promotion is concerned. Lastly he contended that earlier similarly situated employees have filed petition bearing W.P. (S) No.290/2015, in which the coordinate Bench of this Court on 29.01.2015 while accepting the request of the petitioner, directed the petitioner to approach the respondents by way of representation along with the copy of the order of this this Court and, in turn the respondent No. 2 was directed to consider and pass appropriate order subject to availability of vacancy eligibility and suitability of the petitioner.

(3) Counsel for the State, at this juncture, would submit that he has no objection if the claim the petitioner has to be considered subject to availability of the posts, entitlement and eligibility of the petitioner in light the order passed by the Coordianate Bench of the Court passed in W.P. (S) No.290/2015 on 29.01.2015.

(4) Accordingly, instant writ petition is disposed of with a direction to the petitioner to make fresh representation to the respondent No. 2 for redressal of his grievances; and on such representation is being made, the respondents authorities are directed to pass appropriate order in accordance with law on its own merit within a period of four months from the date of receipt of copy of this order. It is made clear, if the

representation is to be rejected, the respondents authorities shall pass an speaking order disclosing disentitlement of the petitioner.

(5) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(P. Sam Koshy)
Judge

D/-