

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3450 of 2017

1. Smt. Vandana Aloni W/o Shri G. V. Aloni, Aged About 60 Years
R/o M I G 17, Sector 2, Shankar Nagar, Housing Board Colony,
Raipur, Police Station Civil Line, District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Commercial Tax
Department Of, Mantralaya, Mahanadi Bhawan, New Raipur,
Dist. Raipur (Chhattisgarh)
2. The Commissioner, Commercial Tax Department, Commercial
Tax Building, Civil Line, Raipur (Chhattisgarh)
3. The Divisional Deputy Commissioner Commercial Tax
Department, Division No. 1, Raipur (Chhattisgarh)
4. The Assistant Commissioner (Administration), Commercial Tax
Department, Chhattisgarh Raipur (Chhattisgarh)
5. Rohit Kumar Verma At Present Posted As Assistant
Superintendent, Office Of Divisional Deputy Commissioner,
Commercial Tax, Raipur, Division-2, Raipur, Chhattisgarh

---- Respondent

For Petitioner	Shri Goutam Khetrapal, Advocate
For Respondent/State	Shri Sameer Behar, Panel Lawyer
For Respondent No.5	Shri S.K. Dewangan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/10/2017

1. The issue pertains to promotion to the post of Assistant Superintendent from the post of AG I in the Department of Commercial Tax, Government of Chhattisgarh.
2. It is argued that the respondent No.5 has not completed 5 years service on the feeder post of AG I on the date of issuance of promotion order, therefore, he is not eligible to be considered for promotion.
3. On the other hand, learned counsel appearing for the respondent No.5 and learned counsel appearing for the State as well would submit that in the subject Commercial Tax Division, the respondent No.5 was the only eligible candidate for promotion and the petitioner does not belong to the said division, therefore, her case could not have been considered by any means. They would draw attention of the Court to the rules contained in Annexure – R/5-3.
4. It appears the petitioner has directly approached this Court without submitting any representation before the authority, therefore, the writ petition is disposed of with an observation that if the petitioner submits a representation before the competent authority raising her grievances against the promotion of the respondent No.5, the authority shall consider

and decide the same, in accordance with the applicable rules and on its own merits.

5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the representation, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge
Prashant Kumar Mishra

Gowri