

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 751 of 2017**

1. A.K.Pathak S/o Shri R. N. Pathak, Aged About 56 Years Training Officer Grade - I, (H / E), Industrial Training Institute, Koni, Bilaspur District Bilaspur Chhattisgarh
2. Jagmohan Sinha, S/o Shri K. S. Sinha, Aged About 55 Years Training Officer Grade I (H / E) Industrial Training Institute Bhilai District Durg Chhattisgarh
3. Shakir Ali Siddiqui, S/o M. A. Siddiqui, Aged About 56 Years Training Officer Grade I (H / E) Industrial Training Institute Koni District Bilaspur Chhattisgarh
4. Suneel Kumar Shrivastava, S/o Late Shri M. L. Shrivastava, Aged About 54 Years Training Officer Grade I (H / E) Industrial Training Institute Durg District Durg Chhattisgarh
5. Rajesh Kumar Pandey, S/o Late Shri G. S. Pandey, Aged About 54 Years Training Officer Grade I (H / E) Women Industrial Training Institute Bhilai District Durg Chhattisgarh
6. C. P. Dewangan, S/o Late Shri T. R. Dewangan, Aged About 55 Years Training Officer Grade I (H / E) Industrial Training Institute Saddu, Raipur District Raipur Chhattisgarh
7. Suresh Kumar Pillai, S/o Late Shri K. G. Pillai, Aged About 50 Years Training Officer Grade I (H / E) Women Industrial Training Institute Bhilai District Durg Chhattisgarh
8. Vinod Kumar Chichkhede, S/o Shri P. S. Chichkhede, Aged About 55 Years Training Officer Grade I (H / E) Industrial Training Institute Durg District Durg Chhattisgarh
9. Omprakash Chouhan, S/o Late Shri P. D. Chouhan, Aged About 61 Years Training Officer Grade I (H / E) Industrial Training Institute Korba District Korba Chhattisgarh
10. Puneet Ram Verma S/o Late Shri Firanta Ram Verma, Aged About 54 Years Training Officer Grade I (H / E) Women Industrial Training Institute Raipur District Raipur Chhattisgarh
11. Govind Lal Agrawal, S/o R. B. Agrawal, Aged About 48 Years Training Officer Grade I (H / E) Industrial Training Institute Koni District Bilaspur Chhattisgarh
12. Smt. Archana Bhandarkar, W/o Shri Samir Bhandarkar, Aged About 48 Years Training Officer Grade I (H / E) Industrial Training Institute Kurud, Dhamtari District Dhamtari Chhattisgarh
13. Shimla Joshi, W/o Shri S. N. Joshi, Aged About 48 Years Training Officer Grade I (H / E) Industrial Training Institute Rajpur District Raipur Chhattisgarh
14. Smt. Rama Dongre, S/o Shri S. R. Dongre, Aged About 56 Years

Training Officer Grade I (H / E) Industrial Training Institute Bhilai
District Durg Chhattisgarh

15. Smt. Lily George Ippan W/o Shri George Ippan, Aged About 58 Years
Training Officer Grade I (H / E) Industrial Training Institute Korba
District Korba Chhattisgarh

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Principal Secretary Department Of
Man Power Planning, Mantyalaya, Mahanadi, Bhawan, Naya Raipur
District Raipur Chhattisgarh
2. Director, Directorate Employment And Training, Indrawati Bhawan,
Block 4 First Floor, Naya Raipur, District Raipur Chhattisgarh

---- **Respondents**

For Petitioners	:	Shri Jitendra Pali, Advocate.
For Respondents	:	Shri Garry Mukhopadhyaya, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/02/2017

(1) Learned counsel appearing for the petitioner would submit that the petitioners are working on the post of Training Officer Grade-I/Stenographer (English/Hindi) from the date of their initial appointment i.e. 1981 onwards and they are working on the same post for last 15 to 30 years and the respondents, despite making several representations, have not provided promotional avenues to them and, therefore, a direction may be issued to the respondents authorities to consider and decide the representation of the petitioners in accordance with law. To which counsel for the State has no objection.

(2) I have heard learned counsel appearing for the parties.

(3) In the matter of **State of Tripura Vs. K.K. Roy¹**, their Lordships of the Supreme Court have held as under:-

¹ (2004) 9 SCC 65

“6. It is not a case where there existed an avenue for promotion. It is also not a case where the State intended to make amendments in the promotional policy. The appellant being a State within the meaning of Article 12 of the Constitution should have created promotional avenues for the respondent having regard to its constitutional obligations adumbrated in Article 14 and 16 of the Constitution of India. Despite its constitutional obligations, the State cannot take a stand that as the respondent herein accepted the terms and conditions of the offer of appointment knowing fully well that there was no avenue for promotion, he cannot resile therefrom. It is not a case where the principles of estoppel or waiver should be applied having regard to the constitutional functions of the State. It is not disputed that the other States in India/Union of India having regard to the recommendations made in this behalf by the Pay Commission introduced the Scheme of Assured Career Promotion in terms whereof the incumbent of a post if not promoted within a period of 12 years is granted one higher scale of pay and another upon completion of 24 years if in the meanwhile he had not been promoted despite existence of promotional avenues. When questioned, the learned counsel appearing on behalf of the appellant, even could not point out that the State of Tripura has introduced such a scheme. We wonder as to why such a scheme was not introduced by the appellant like the other States in India, and what impeded it from doing so. Promotion being a condition of service and having regard to the requirements thereof as has been pointed out by this Court in the decisions referred to hereinbefore, it was expected that the appellant should have followed the said principle.

(4) In the matter of **O.Z. Hussain (Dr.) Vs. Union of India**², their Lordships of the Supreme Court have held as under:-

“7. This Court, has no more than one occasion, pointed out that provision for promotion increased efficiency of the public service while stagnation reduced efficiency and makes the service ineffective. Promotion is thus a normal incidence of

2 1990 Supp SCC 688

service. There too is no justification why while similarly placed officers in other ministries would have the benefit of promotion, the non-medical 'A' Group scientists in the establishment of Director General of Health Services would be deprived of such advantage. In a welfare State, it is necessary that there should be an efficient public service and, therefore, it should have been the obligation of the Ministry of Health to attend to the representations of the Council and its members and provide promotional avenue for this category of officers. It is, therefore, necessary that on the model of rules framed by the Ministry of Science and Technology with such alterations as may be necessary, appropriate rules should be framed within four months from now providing promotional avenue for the 'A' category scientists in the non-medical wing of the Directorate.”

(5) The aforesaid principles of law laid down by the Supreme Court in the matter of **State of Tripura (supra) & O.Z. Hussain (Dr.)**, have also been followed with approval by their Lordships of the Supreme Court in the matter of **Food Corporation of India and others Vs. Parashotam Das Bansal and others**³.

(6) In view of the aforesaid legal position, the respondents/State are directed to consider and decide the representations of the petitioners in light the judgments of the Supreme Court in the above referred cases and take a decision within a period of six months from the date of production of certified copy of this order along with the decisions of the Supreme Court.

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

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

3 (2008) 5 SCC 100

