

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 273 of 2017**

B. L. Sahu Retired Asst. Engineer, R/o H. No. 259, Sector 1, Gitanjali Nagar,  
Avanti Vihar Road, P. S. Civil Line, District Raipur (Chhattisgarh)

**---- Appellant****Versus**

1. State of Chhattisgarh The Secretary, Water Resource Department, Mahanadi Bhawan, New Mantralay, Raipur (Chhattisgarh)
2. The Engineer-In-Chief (ENC), Water Resources Department, District Raipur (Chhattisgarh)
3. Chief Engineer, Hasdeo Ganga Basin, Ambikapur, Sarguja (Chhattisgarh)

**---- Respondents**


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| For Appellant        | : Shri Palash Tiwari, Advocate.      |
| For Respondent/State | : Shri UNS Deo, Government Advocate. |

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**Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**  
**Hon'ble Shri Sharad Kumar Gupta, Judge.**

**Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****02/08/2017**

1. This writ appeal is filed with an application seeking condonation of delay of 32 days in filing the appeal.
2. We have heard the learned counsel for the Appellant and the learned State counsel.
3. Keeping aside the question of delay, we see that the Petitioner had earlier raked up the issue of his placement and seniority through Writ Petition No.504 of 2005, which was decided by this Court on 2.1.2014. That judgment has become final.

Writ Petition (S) No.1821 of 2017, from which, this writ appeal arises was thereafter filed seeking to challenge the Government's decision issued after the earlier writ petition. The Petitioner has been given proforma promotion as Assistant Engineer (Civil) w.e.f. 29.12.1984 without any consequential benefits on the principle of 'no work no pay'. The learned Single Judge, quite rightly, held that there is no reason to interfere with the impugned decision of the official Respondents because the directions in Writ Petition No.504 of 2005 was to consider the representation for the purpose of notional benefits. Hence, we do not find any error in the judgment of the learned Single Judge.

4. Though, the learned counsel for the Appellant attempted to say that the benefit should not have been confined to notional relief and that there are judicial precedents governing the fields, we are of the view that the said contention cannot be countenanced at this point of time in view of the specific direction given in the last sentence of paragraph-3 of the order dated 2.1.2014 in Writ Petition No.504 of 2005, wherein the direction was to consider the representation for the purpose of notional benefits. That judgment having become final, it is improper for us to reopen that situation in this writ appeal.
5. In view of above, no useful purpose would be served by condoning the delay in instituting this appeal since we see no merit in the writ appeal.
6. In the result, the application seeking condonation of delay as well as the writ appeal are dismissed.

**Sd/-**

(Thottathil B. Radhakrishnan)  
**CHIEF JUSTICE**

**Sd/-**

(Sharad Kumar Gupta)  
**JUDGE**