

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1091 of 2017**

Sudarshan Dewangan S/o Late Shri Panchram Dewangan, aged about 50 years, Working as Assistant Draftsman, Office of Executive Engineer, Champa Division, Public Works Department, Champa, P.S. Janjgir, District- Janjgir-Champa, Chhattisgarh.

**---- Petitioner****Versus**

1. State of Chhattisgarh through- the Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. Engineer in Chief, Public Works Department, Raipur, P.S. City Kotwali, Raipur, District- Raipur, Chhattisgarh
3. Chief Engineer, Public Works Department, Bilaspur, P.S. Civil Line Bilaspur, District Bilaspur, Chhattisgarh
4. Superintendent Engineer, Public Works Department, Bilaspur, Division, Bilaspur, District Bilaspur, Chhattisgarh
5. Executive Engineer, Public Works Department, Champa, Division, P.S. Janjgir, District- Janjgir-Champa, Chhattisgarh

**---- Respondents**


---

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For Petitioner       | : | Shri C. Jayant. K. Rao, Advocate |
| For Respondent/State | : | Shri Adhiraj Surana, Dy. G.A.    |

---

**Hon'ble Shri Justice P. Sam Koshy****Order On Board****22/03/2017**

The petitioner through the present writ petition has sought for a direction to the respondents for considering his case for promotion to the post of Assistant Draftsman from an earlier date or at least from the date his juniors have been promoted i.e. 02.11.2007.

2. Brief facts relevant for adjudication of the present petition are that the petitioner was initially appointed as Tracer on 04.05.1984 on ad hoc basis. In due course of time, services of the petitioner were regularized on 14.02.2005 as a Tracer. The petitioner had preferred a writ petition i.e. WPS No.2109/2013 seeking for regularization from an earlier date which was disposed of on 19.07.2013 by this Court with a direction to the respondents for considering the

case of the petitioner for being regularized from an earlier date in accordance to certain decision of the State Administrative Tribunal pertaining to similarly placed persons. Subsequent to the decision of this Court, the Department vide its order dated 17.05.2016 ordered for grant of regularization w.e.f. 09.01.1990.

3. Grievance of the petitioner now is that the persons who are junior to him and were regularized in service in the year 1993 have already been given the benefit of promotion by virtue of seniority w.e.f. 02.11.2007. However, the petitioner was granted promotion w.e.f. 24.12.2013.

4. Counsel for the petitioner submits that in the light of the subsequent order of the State Govt. dated 17.05.2016 granting regularization to the petitioner w.e.f. 09.01.1990 his case may also be considered for promotion to the post of Assistant Tracer either ahead of his juniors or at least at par with the juniors who had been granted promotion w.e.f. 02.11.2007.

5. This factual submission made by the counsel for the petitioner is not in dispute neither has it been controverted by the State counsel going to the documents available on record.

6. In view of the factual position of the case, this Court is not inclined to keep the petition pending any further and ends of justice would meet if the writ petition is finally disposed of with a direction to the respondent no.2 to reconsider the case of the petitioner in the light of the subsequent order dated 17.05.2016 granting the petitioner regularization w.e.f. 09.01.1990 and pass an order in respect of the seniority and the consequential relief of promotion to the petitioner considering his service on the post of Tracer to be w.e.f. 09.01.1990. Let this exercise be carried out by respondent no.2 within a period of 90 days from the date of presentation of certified copy of this order along with all other relating documents by the petitioner.

Sd/-  
(P. Sam Koshy)  
JUDGE