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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1414 OF 2017

- Laxmikant Pandey, S/o Late Shri Krishna Dutt Pandey, aged about 62 years, currently working as Assistant Superintendent Prison, District Jail, Kanker, Distt. Kanker (Chhattisgarh)

... Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of Home (Jail), Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Director General of Police (Prison), Jail & Correctional Services, Raipur (Chhattisgarh)
3. Chhattisgarh Public Service Commission, through its Chairman, Shankar Nagar, Raipur (Chhattisgarh)

... Respondents

For Petitioner	:	Mr. Vaibhav Shukla, Advocate.
For Respondents	:	Mr. Adhiraj Surana, Dy. Govt. Advocate, on advance copy.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/03/2017

1. The present writ petition has been preferred for issuance of a writ of mandamus directing the Respondents to grant promotion to the Petitioner to the post of Deputy Superintendent of Prisons (Jailor) with effect from 24.2.2010 and further promotion to the post of Superintendent of Prisons with effect from 24.2.2015.
2. Contention of the Counsel for the Petitioner is that the Petitioner is going to retire from services on attaining the age of superannuation, on 31.3.2017. The Petitioner has been promoted on the post of Assistant Superintendent of Prisons (Assistant Jailor) with effect from 20.12.1982. In between, the Petitioner was, for a brief time, promoted to the post of Deputy Superintendent of Prisons (Jailor) but was subsequently reverted back, on account of the order passed by the High Court in respect of another person who has been granted the benefit by virtue of his being exonerated from a departmental enquiry initiated against him and he being senior to the Petitioner.

3. According to the Counsel for the Petitioner, as per the rules governing the service conditions, the Respondents are supposed to hold a Departmental Promotion Committee meeting every year. In the instant case, though the Petitioner has been working since 1982 on a same post, the Departmental Promotion Committee has not been constituted for a last about 10 years time. The Petitioner now is going to be retired on 31.3.2017.

4. It was further contended by the Counsel for the Petitioner that he has received instructions and also he came to know that in the year 2016 the Respondents had constituted a Departmental Promotion Committee, but no final outcome could be declared by the said Committee. He submits that he has reasons to believe that the name of the Petitioner was also there in the zone of consideration also and in case the said Departmental Promotion Committee takes a decision at the earliest then the Petitioner shall be benefited at least for the pensionary/retiral benefits which would be payable to the Petitioner.

5. Counsel for the State however opposed the writ petition, on the ground that the Petitioner has got too short a period left for retirement within which it may not be possible to hold a Departmental Promotion Committee meeting or to declare a result of Departmental Promotion Committee if earlier held. The State Counsel further submits that when the Petitioner became eligible in the year 2008 he ought to have approached the Court within time and having not done so itself shows that the Petitioner himself was not keen for promotion.

6. Be that as it may, considering the fact that the Petitioner is retiring in about 10 days time from today and he has already specifically mentioned in paragraph 8.11 of the present writ petition that in the year 2016 the Respondents had constituted a Departmental Promotion Committee, ends of justice would meet if the writ petition is disposed of at this juncture, with a direction to Respondent No.1 ensuring that the proceeding of the

Departmental Promotion Committee which is said to have been constituted in the year 2016 is finalised and appropriate orders be passed at the earliest so that if the Petitioner is found eligible for promotion he could be benefited at least from the pension and retiral dues point of view.

7. With the aforesaid direction, the present writ petition stands finally disposed of. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE

/sharad/