

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3865 of 2017**

G.P. Kumhare S/o Late M L Kumhare, Aged About 61 Years Presently Working As Asst. Mining Officer, R/o Radha Bhawan, Vijay Nagar, Police Station Mohan Nagar, District Surguja, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Mines And Minerals, Mahanadi Bhawan, New Mantralaya, New Raipur, Chhattisgarh
2. The Under Secretary, Department Of Mines And Minerals, Mahanadi Bhawan, New Mantralaya, New Raipur, Chhattisgarh
3. The Director, Department Of Geology And Mining Stastic, C G Block-4, I I Floor, Indrawati Bhawan, New Raipur, Chhattisgarh
4. M.D.Joshi, Working As Mining Officer, District Raigarh, Chhattisgarh
5. Harkesh Marwah, Working As Mining Officer, District Kanker, Chhattisgarh
6. Nestore Xalxo, Working As Mining Officer, District Korea, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Sushil Dubey, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/08/2017

Heard.

1. Learned counsel for the petitioner submits that though the petitioner is senior, the respondents No.4,5 & 6 juniors to him, have been promoted to the next higher post of Mining Officer.
2. However, from the pleadings made in the petition and also clearly submitted by learned counsel for the petitioner, a criminal case is still pending against the

petitioner and suspension was revoked on 10.05.2016. Therefore, in these circumstances, it would be appropriate at this stage to direct respondent No.2 to examine the petitioner's representation. In case, the petitioner's representation is accepted, he should be considered for promotion as on the date his juniors were promoted. However, in case for some reason, the respondent finds that supersession of petitioner was justified in law, the petitioner shall be duly communicated such rejection clearly stating the reason for petitioner's supersession. The decision should be taken within a period of 60 days from the date of receipt of copy of this order along with fresh representation to respondent No.1.

3. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge