

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5039 of 2014

Ramkishore Sharma S/o Lt Shri Mahadeo Prasad Sharma Aged About 53 Years Service Presently Posted As Assitant Director Haorticulture Korba, Ps Kotwali, Civil & Revenue Distt Korba, Cg

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Agriculture Department, Mahanadi Bhawan, Capital Complex, New Raipur, Dist Raipur, Cg
2. The Director, Directorate Horticulture, 4th Floor Indrabati Bhawan, New Raipur, Distt Raipur, Cg

---- Respondents

Shri Rakesh Pandey and Shri Varunendra Mishra, counsel for the petitioner/s.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/12/2017

It is unfortunate that despite clear judicial verdict in the case of the petitioner by this Court earlier on 09/07/2006 in WPS No.35215/2003, respondents have again committed the same mistake. This Court clearly held earlier that the criteria for promotion being merit-cum-suitability, that criteria was required to be applied and not the seniority. The respondents have placed on record, the minutes of DPC which was again held after the order of this Court.

2. A perusal of the order would show that it was a sheer mechanical exercise of power without understanding the import and meaning of the order of this Court. The action is sought to be justified on the ground that employees senior to the petitioner have been promoted and there is no whisper as to how comparative exercise has been drawn.

3. This Court is again constrained to set aside the impugned order and direct reconsideration of petitioner's case as on original date when DPC was held i.e.19/07/2003 for comparative merit based assessment along with seniors and

juniors, within the zone of consideration.

4. Let fresh DPC be held and appropriate decision be taken after due application of mind to the order passed by this Court drawing comparative merit exercise and not only based on seniority. The petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge