

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2836 of 2010**

- Ram Phal Bareth, S/o Jhapu Lal Bareth, aged about 51 years, R/o Village Korbi, Post Dogri, Nagar Panchayat Balooda, District Janjgir Champa (CG) working as Class-IV employee (Peon) at Nagar Panchayat, Balooda, District Janjgir-Champa (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh through its Secretary, Nagariya Prashasan evam Vikas Vibhag, DKS Bhawan, Raipur CG
2. Joint Director, Nagariya Prashasan Evam Vikas Vibhag Bilaspur, Distt. Bilaspur CG
3. Chief Municipal Officer, Nagar Panchayat Balooda, Distt. Janjgir Champa CG
4. Mukesh Kumar Dubey S/o Late Prahalad Kumar Dubey, Working As Asstt. Grade-III, Nagar Panchayat Balooda, Distt. Janjgir Champa CG

---- Respondent

For Petitioner
For Respective
Respondents

Mr. Vivek Verma, Advocate

Mr. R. Tripathi, Panel Lawyer, Mr. Prateek
Sharma and Mr. Pawan Shrivastava,
Advocates

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****20/8/2018**

1. Heard.
2. The petitioner has called in question the regularisation of

respondent No.4 Mukesh Kumar Dubey on the post of AG-III in the Establishment of Nagar Panchayat, Baloda, District Janjgir-Champa (CG).

3. The essence of challenge is on the basis that the petitioner is already working as Peon in the said Nagar Panchayat, therefore, the regularisation of respondent No.4 on the post of AG-III would deprive him of promotion as AG-III as after regularisation of respondent No.4, no post of AG-III is vacant.
4. In the return filed by respondent No.3, it is averred that in the initial set up of the newly constituted Nagar Panchayat, Baloda, in the year 1982, one post of AG-II, one post of AG-III and two posts of Peon were sanctioned, however, in the revised set up, two additional posts of AG-III was sanctioned, out of which, on one post, Mr. Sudhram Yadav was promoted on 10.7.2007, against which, the petitioner did not raise any grievance. The first post having been filled up by promotion, the other post of AG-III was to be filled up by direct recruitment, against which, respondent No.4 has been regularised as AG-III in the meeting of the President-in-Council of the said Nagar Panchayat held on 8.5.2008.
5. As against the said order, the petitioner preferred this writ petition after more than 2 years i.e. on 15.6.2010. The petitioner has not pointed out any statutory prescription by which, the post, on which, respondent No.4 has been regularised, was required to be filled up by promotion. Even otherwise, one post of AG-III was filled up by promotion of

Sudhram Yadav and other post meant for direct recruitment has been filled up by regularisation of respondent No.4.

6. In addition to what has been stated above, it is also to be seen that according to respondent No.3 Nagar Panchayat, Baloda, the petitioner is not eligible for promotion to the post of AG-III as he would not possess the requisite qualification of Hindi Typing pass as well as Higher Secondary pass.
7. In view of the above, there is no substance in the writ petition and the same is liable to be and is hereby dismissed.
8. However, in the event, any post of AG-III in the promotion quota falls vacant in the Establishment of Nagar Panchayat, Baloda and the Nagar Panchayat decides to fill up the vacancy by promotion, the petitioner's case may be considered in the extant rules, if he possesses the requisite qualification and is eligible.

Sd/-

(Prashant Kumar Mishra)

Judge

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