

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4031 of 2010**

Lootan Ram Chauhan S/o late Shri Purushottam, aged about 62 years, retired as Prahari, Naila near Juna Talab, Ward No.4, Janjgir, District Janjgir-Champa (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Home Department, D.K.S. Bhawan, Raipur (CG)
2. Inspector General of Jail, CG, Raipur, District Raipur, CG
3. Jail Superintendent, Central Jail, Bilaspur, District Bilaspur (CG)

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07.08.2018**

The grievance of the petitioner in the instant case is that though on 17.09.2008 a DPC was held for promotion from the post of Prahari to Mukhya Prahari (Guard to Chief Guard) in the jail department, the promotion could not be granted to the petitioner on the ground that timely approval of the State Govt. could not be granted on the recommendation made by the DPC and in the course, the petitioner got superannuated w.e.f. 31.12.2008.

2. Contention of the counsel for the petitioner is that firstly there was no requirement for sending the recommendation of DPC to the State Govt. for approval as there is no such requirement under the service rules governing the field. He further submits that if the respondents could not have granted

promotion to the petitioner timely, they could have at least considered granting of the benefit of Kramonnati or higher pay scale to the petitioner on his completing 12-24 years of service as the case may be. It is also the contention of the petitioner that the benefit of Kramonnati payable to the petitioner was not granted on account of the fact that his name was under consideration for promotion in the DPC. Counsel for the petitioner referred to Annexure P-5 dated 19.11.2008 i.e. the correspondence made before the petitioner had retired whereby it has been informed that the case of the petitioner was under consideration for grant of Kramonnati but because of the Code of Conduct being enforced, the benefit could not be extended and it reflected that subsequently the case of the petitioner would be considered and granted, however, meanwhile he stood retired.

3. Be that as it may, taking into consideration the documents which are available with the petitioner and the reply which the respondents have filed, one thing is very clear that the petitioner was found eligible for promotion from Prahri to Chief Prahri and he was also considered fit in the DPC and his name stood first as per the recommendation of the DPC. At the same time, it is also not in dispute that the petitioner had in between also become eligible for grant of the benefit of Kramonnati on account of his uninterrupted continuous working on the post of Prahri (Guard) for a period of 12-24 years upon which an employee becomes entitled for Kramonnati.

4. In the light of the aforesaid admitted factual matrix of the case what now has to be considered is the fact that undisputedly the petitioner before he could be granted promotion had superannuated on 31.12.2008 and the implementation of recommendation of DPC itself was published after about one year from the date of DPC was held. As such it would not be practical

at this juncture for considering the case of the petitioner for promotion. However, at the same time, it cannot be lost sight of the fact that since the petitioner has not been granted any promotion till the date of retirement and according to the reply of the State govt. as also the document Annexure P-5 the petitioner was eligible for grant of Kramonnati, the same could not have been withheld or retained by the respondents only on the ground that the petitioner's name was in the process of promotion. The respondents ought to have released the benefit of Kramonnati when the petitioner had in fact retired without getting the advantage of promotion.

5. Under the circumstances, the writ petition deserves to be and is accordingly allowed. It is directed that the respondents shall consider the case of the petitioner for grant of Kramonnati in the light of their letter dated 19.11.08 Annexure P-5 as also in the light of the reply filed by the State Govt. in the present writ petition applying the policy of grant of Kramonnati as it then stood at the earliest preferably within a period of 3 months from the date of receipt of the order of this Court.

6. It shall be the responsibility of the petitioner to communicate the order of this Court to the concerned authority. Pursuant to the respondents reaching to the conclusion that the petitioner is entitled for Kramonnati, the respondents would also ensure that the petitioner is granted all consequential relief including the retiral dues and which shall be calculated accordingly and paid to the petitioner.

**Sd/-
P. Sam Koshy
Judge**