

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 393 of 2018

1. Premanand Gavel S/o Shri Ram Pal Singh Gavel, Aged About 53 Years In - Charge Joint Director, I T I S Zone Raipur, District Raipur Chhattisgarh., Chhattisgarh
2. Tejram Devangan, S/o Late M . R. Devangan, Aged About 56 Years In - Charge Principal Class - I, Govt. Industrial Trainging Institute Mana, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Skill Development Technical Education And Employment Department, Chamber No. 52/3, Mantralaya, Mahandi Bhawan, New Raipur, District Raipur Chhattisgarh., Chhattisgarh
2. Director, Directorate, Employment And Training, Indrawati Bhawan, Block No. 4, First Floor, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Commissioner - Cum - Secretary, Directorate Employment And Training, Chhattisgarh Block - D, First Floor, Indrawati Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Secretary, Public Service Commission, Shahid Bhagat Singh Chowk, Shankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Uttam Pandey, Advocate
For State	:	Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/04/2018

A direction is sought by the petitioners for consideration of their cases for promotion to the next higher post of Principal, Grade – I.

2. Learned counsel for the petitioners would submit that though the petitioners are enjoying higher position in the seniority list i.e. at Serial No.4 and 5 in the gradation list, having completed three years to become eligible on 30/05/2017 and nine posts of Principal, Grade – I lying vacant, they are entitled to be considered for promotion.

3. Learned State counsel would submit that as far as petitioners' claim for consideration of promotion is concerned, the same is not being denied. He submits that according to the rules, the respondents would be holding DPC as early as possible and would consider all the eligible officers for promotion against available vacancies.

4. On the last date of hearing, this Court had granted last opportunity to the State counsel to clearly state as to why DPC has not been held. It appears that vacancies are available, petitioners are eligible and Rule 14 (2) of the C.G. Industrial Training (Gazetted) Service (Recruitment and Conditions of Service) Rules, 2013 requires holding DPC at intervals not exceeding one year, DPC is not being held. In another case, a Division Bench of this Court had expressed the concern in W.A. No.31/2017 in following words -

“4. When this matter is taken up today, learned Additional Advocate General submits that there are many posts of Principal, Vice Principal etc. in the different Industrial Training Institutes which are lying vacant for dearth of hands. We must caution the State Government that DPC will have to be held on a regular basis in terms of the laws, so that regular promotions can be effected by identifying the eligible persons.”

5. Though there is no right for promotion, right to be considered for

promotion according to rule has been held to be fundamental right by Their Lordships in the Supreme Court in the case of **Delhi Jal Board vs. Mahinder Singh, (2000) 7 SCC 210**. As the rule requires holding DPC, there is corresponding obligation on the respondent to hold DPC this year itself for consideration of petitioners' promotion and other eligible candidates against the available vacancies in accordance with the rules and as per the criteria for promotion.

6. Accordingly, the petition is disposed off with a direction to hold DPC in 2018 itself for consideration of petitioners' case for promotion as directed above.

Sd/-
(Manindra Mohan Shrivastava)
Judge