

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.1823 of 2008**

- Nand Gopal Pandey Chainman S/o Narad Pandey, R/o Tahsil Sonhat Distt. Korea

---- Petitioner**Versus**

1. State Of Chhattisgarh through its Secretary, Revenue Department, DKS Bhawan, Raipur
2. The Collector Korea, Baikunthpur
3. Jang Bahadur Pandey Asstt. Grade-3, District Office, Baikunthpur

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For Respondent/State	:	Shri PK Bhaduri, Government Advocate

HON'BLE SHRI JUSTICE MANINDRA MOHAN SHRIVASTAVA**Order On Board****06/02/2018**

This petition has been filed by the petitioner being aggrieved by promotion of respondent No.3 as Assistant Grade-III vide impugned order dated 15-05-2006 (Annexure P/3). The petitioner filed this petition on the pleadings that the petitioner was initially appointed as Class IV employee (Chainman). He continued in service and gradation list was issued vide Annexure P/1 showing seniority position of Class IV Peon as on 01-04-2001 followed by another gradation list issued on 03-08-2005 (Annexure P/2), showing seniority position of Class IV Peon as on 01-04-2005 in which, the petitioner was shown as senior to respondent No.3. In view of the criteria laid down in Chhattisgarh Public Service Commission Rules, 2003, the petitioner was entitled to be considered for promotion on the criteria of seniority-cum-merit and he should be given preference in the matter of promotion against juniors because there are no adverse remarks against him.

2. On the other hand, learned State counsel would submit that the petitioner actually belongs to the Land Revenue Branch, for which, there is separate cadre of Class IV employees. Name of the petitioner was shown in Gradation List, Annexure P/1 & P/2. He would rely upon the gradation list parallelly issued on 09-08-2005, followed by gradation list dated 31-05-2006, in which, name of the petitioner finds place in the gradation list of Class IV employees, Land Records Branch. He submits that the respondent No.3 was promoted to the post of Assistant Grade III, who belongs to Revenue Branch, not Land Records Branch. Therefore, the petitioner cannot claim seniority against respondent No.3 in the matter of promotion to the post of Assistant Grade III in Revenue Branch.

3. By way of rejoinder, learned counsel for the petitioner would submit that the respondents are acting discriminately. He would submit that the respondents have adopted different criteria in different districts. Referring to the DPC proceedings (Annexure R/6) and promotion order in so far as promotion to the post of AG III (Revenue Department) at Surguja District is concerned, the promotions are being made. It is submitted that no discrimination is being maintained and gradation list of Class-IV employees whether he belongs to Revenue Branch or Land Records Branch is being maintained and on the basis of seniority, promotions are being made on that basis, therefore, the respondents have acted illegally in not considering the petitioner's case for promotion.

4. During the course of arguments, learned counsel for the petitioner could not dispute that the petitioner was appointed as Peon on compassionate basis in the Land Records Branch.

5. Learned counsel for the petitioner failed to demonstrate that maintenance of two different cadre in Land Records and Revenue Branch is not permissible under the Statutory Rules, if any, governing promotion to the post of Assistant Grade III. Therefore, only on the basis that the petitioner's name finds place in Gradation List P/1 & P/2 as also in the subsequent gradation list filed along with return, no relief can be

granted. It is relevant to note that at the time, promotion order was issued on 15-05-2006 and before that, the gradation list of Class IV employees of Land Records Branch issued on 09-08-2005. In the subsequent gradation list of Land Records Branch issued on 31-05-2006, name of the petitioner was shown as Class IV employee in the Land Record Branch.

6. In that view of the matter, this Court does not find merit in this petition. Accordingly, this petition is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge