NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 79 of 2018

- Satish Kumar Mishra S/o Late Ramadhar Mishra Aged About 56 Years Assistant Grade-II, Municipal Corporation Durg, District Durg, C.G.

---- Petitioner

Versus

- Shri Sudesh Kumar Sundrani, The Commissioner, Municipal Corporation Durg, District Durg, Chhattisgarh.

---- Respondent

For Petitioner Shri Rajesh Kumar Kesharwani, Advocate.
For Respondent/Contemnor Shri Satish Gupta, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/03/2018

1. By order dated 08.05.2017, the writ petition, bearing WPS No.5974 of 2007, was allowed in the following terms:

> "i. The respondent Municipal Corporation shall grant annual increments to the petitioner on and from completion of 1st year of service and grant him due seniority on the post in accordance with law. However, the issue of promotion to the post of Revenue Inspector shall be re-examined by the respondents, for which the petitioner shall prefer representation before the Commissioner, Municipal Corporation, Durg within a period of three months from today and thereafter the Corporation shall decide the same in accordance with law within a

further period of 3 months.

ii. The entire arrears towards annual increments shall be paid to the petitioner within a period of three months from today."

2. Learned counsel for the contemnor would submit that the entire arrears of annual increments admissible to the petitioner has already been paid to him, which is not disputed by learned counsel for the petitioner.

3. In respect of further promotion on account of grant of seniority to the petitioner from the date of first appointment, it is stated by Shri Satish Gupta, learned counsel for the Contemnor that in Annexure C-3 itself there is an order for restoration of seniority from 19.11.1981. Petitioner's further promotion to the post of AG-II has already been ordered on 7.10.2017 which has been made effective retrospectively from 22.09.1998.

4. By another order issued on the same day i.e. 07.10.2017, the Commissioner has sought permission from the State Government to create one post of Office Superintendent for promoting the petitioner on the said post. Thus, the petitioner's case for promotion has already been undertaken by the Corporation.

5. Insofar as, the claim for promotion on the post of R.I., the same has been rejected on the ground of non-availability of the said channel of promotion to the petitioner.

6. In view of the above, the contempt petition is disposed of with observation that the Municipal Corporation shall pass necessary order regarding promotion of the petitioner on the post of Office Superintendent within a period of 3 months from today. The State Government shall extend the fullest cooperation to the Municipal Corporation in sanctioning the post, so that the order passed by this Court is complied with.

7. Orders passed by the State Government in favour of petitioner is retained in the record of this contempt petition.

Sd/-

Judge
Prashant Kumar Mishra

Akhilesh